

# Exhibit “A”

## Title 1

### Chapter 1.07

#### **Section 1.07.020 Definitions.**

"Awarding Entity" means the City Council when referencing procurement for the City or for any Using Agency of the City except for Riverside Board of Public Utilities and Riverside Department of Public Utilities; and means the Riverside Board of Public Utilities when referencing procurement for the Riverside Department of Public Utilities.

"Best Value" means a value determined by stated criteria that may include, but is not limited to, price, features, functions, life-cycle costs, experience and other criteria deemed appropriate by the Using Agency.

"Competitive Negotiation" means a competitive sealed Proposal procurement method which includes but is not limited to, all of the following requirements: (1) generally describes the services sought to be procured by the City, (2) sets forth minimum criteria for evaluating Proposals submitted in response to a Request for Proposals, (3) generally describes the format and content of Proposals to be submitted, (4) provides for negotiation of scope and price and (5) may place emphasis on described factors other than price to be used in evaluating proposals.

"Design-Build" means a process involving contracting with a single entity for both the design and construction of a Public Works Project pursuant to a competitive negotiation process. Design-Build also includes projects where in addition to design and construction, other services may be furnished by the Design-Build Entity including, but not limited to, soil/materials testing and soil remediation.

"Design-Build Contract" means a contract between the City and a Design-Build Entity to furnish the architecture, engineering, and related services as required for a given Public Works Project, and to furnish the labor, materials and other construction services for the same project. A Design-Build Contract may be awarded conditioned upon subsequent refinements in scope and price during the development of the design, and may permit the City to make changes in the scope of the Public Works Project without invalidating the Design-Build Contract.

"Design-Build Entity" means the entity (whether, natural person, partnership, joint venture, corporation, business association, or other legal entity) that proposes to enter into a contract with the City to design and construct any Public Works Project under the procedures of this Code and that has registered with the Department of Industrial Relations.

"Design-Build Entity Member" means any person who provides licensed contracting, architectural or engineering services.

"Performance Criteria" means the requirements for the Public Works Project, including as appropriate, capacity, durability, production standards, ingress and egress requirements, or other criteria for the intended use of the Public Works Project, expressed in conceptual documents, performance-oriented preliminary drawings, outline specifications and other documents provided to Design-Build Entity by the Using Agency establishing the project's basic elements and scale, and their relationship to the work site suitable to allow the Design-Build Entity to make a Proposal.

"Proposal" means an offer to enter into a Design-Build Contract, as further defined in this Ordinance.

"Request for Proposals" means the document or publication whereby a Using Agency solicits proposals for a Design-Build Contract.

"Public Works Project" shall have the same meaning as the term "Construction" as defined in the City's Purchasing Resolution, as amended from time to time.

"Using Agency" shall have the meaning defined in the City's Purchasing Resolution, as amended

from time to time.

#### **Section 1.07.160      Retention**

If the Awarding Entity awards a Design-Build Contract, retention of 5% shall be withheld from progress payments.

#### **Section 1.07.180      Subcontractor Listing**

The City recognizes that the Design-Build Entity is charged with performing both design and construction. Due to the fact that a Design-Build Contract may be awarded prior to completion of the design, it is often impractical for the Design-Build Entity to list all subcontractors at the time of award.

(a) It is the intent of the City to establish a clear process for the selection and award of subcontracts entered into pursuant to this Chapter in a manner that retains protection for subcontractors while enabling Design-Build Public Works Projects to be administered in an efficient manner.

(b) All of the following requirements shall apply to subcontractors, licensed by the State of California, that are employed on a Design-Build Public Works Project undertaken pursuant to this Chapter.

(1) The Using Agency in each Request for Proposals shall specify the essential design disciplines, construction trades or types of subcontractors that must be listed by the Design-Build Entity in the Proposal.

(2) Subcontractors not listed in the Proposal shall be awarded subcontracts by the Design-Build Entity in accordance with a bidding process set forth in the Request for Proposals. The Design-Build Entity shall furnish to City documentation verifying that all subcontractors not listed at the time of award were subsequently awarded subcontracts in accordance with the process set forth in the Request for Proposals. All subcontractors that are listed in the Proposal or subsequently awarded subcontracts shall be afforded the protection of all applicable laws.

(3) All subcontractors must be registered with the Department of Industrial Relations.

### **Chapter 1.08**

#### **Section 1.08.030      When warrant for arrest issued.**

When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 1268 of the Penal Code of this State, the magistrate shall issue and have delivered for execution a warrant for his/her arrest within twenty days after his failure to appear as promised or, if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he/she promises to appear, then within twenty days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

#### **Section 1.08.040      Forfeiture of bail.**

If, at the time when the case is called for arraignment before the magistrate, the defendant does not appear either in person or by counsel, the magistrate may declare the bail forfeited and may in his/her discretion order that no further proceedings be had in the case and issue a bench warrant for the defendant's arrest.

Upon the making of the order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the City or County Treasury, as the case may be.

**Section 1.08.050      Filing of complaint.**

The complaint consists of a name and birth date of the person(s) charged, the offense(s) charged, and the date which the offense occurred that has been prepared, delivered and filed with the court, an exact and legible duplicate copy of the complaint when filed with the magistrate, the verified complaint shall constitute a complaint to which the defendant may plead "guilty."

**Chapter 1.10**

**Sections:**

- 1.10.010      Applicability of chapter.**
- 1.10.020      Filing notice of pendency.**
- 1.10.030      Release of notice of pendency.**
- 1.10.040      Severability.**

**Section 1.10.010      Applicability of chapter.**

The procedures for filing a notice of pendency in the course of enforcement of the provisions of this Code shall be governed by the procedure prescribed in this Chapter.

**Section 1.10.020      Filing notice of pendency.**

When any administrative proceeding is initiated to enforce the provisions of this Code relating to real property, the Community & Economic Development Director, Public Works Director, Building Official, Code Enforcement Manager, or their designated representatives may record a notice of pendency of administrative proceeding on the affected property in the Riverside County Recorder's Office. Such notice of pendency may be recorded, at the discretion of the City, at any time after the commencement of the administrative proceeding on any property on which violations of this Code occur. Upon recordation, such notice shall have the same effect as a notice recorded pursuant to Section 405.20, et seq. of the California Code of Civil Procedure.

**Section 1.10.030      Release of Notice of Pendency.**

Any notice of pendency of action or proceeding filed pursuant to this Chapter may, upon request of a party with an interest in the property, be released upon an appropriate showing to the Community & Economic Development Department-Code Enforcement Division. The request to process the release of notice of pendency will be responded to within ten business days. If the request is approved, a release of notice of pendency will be recorded in the Office of the Riverside County Recorder, where the notice of pendency is recorded. Upon the recordation of the release of notice of pendency, the notice of pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein. An aggrieved party that receives a denial of a request for release of notice of pendency may appeal the decision pursuant to Section

1.17.100 of the Code within 60 days of written notice of the decision.

## **Chapter 1.17**

### **Section 1.17.020 Definitions.**

The following definitions shall apply in interpretation and enforcement of this chapter.

A. "Administrative Costs" means all costs incurred by or on behalf of the City from the first discovery of the violation of the Riverside Municipal Code through the appeal process and until compliance is achieved, including but not limited to, staff time in investigating the violation, inspecting the property where the violation occurred, preparing investigation reports, sending notices, preparing for and attending any appeal hearing, attorneys' fees, and fees paid to the Administrative Hearing Officer. "Administrative Costs" shall not mean the administrative citation fines and the administrative civil penalties assessed pursuant to this chapter. "Administrative Costs" shall not mean late payment charges that accrue, or collection costs incurred, as a result of unpaid administrative citation fines.

B. "Administrative Code Enforcement Remedies" means administrative abatement, summary abatement, administrative citations, and administrative civil penalties as provided in this code; and recordation of any notice, including notice of pendency of administrative proceeding, to the property owner and all other interested parties of violations of any provisions contained in the Riverside Municipal Code.

C. "Administrative Hearing Officer" shall mean any person appointed by the City Manager to preside at administrative hearings.

D. "City Manager" means the City Manager of the City of Riverside and his or her designee.

E. "Enforcement Officer" shall mean any City employee or agent of the City with the authority to enforce any provision of this code, including, but not limited to, code enforcement, fire prevention and parking services.

F. "Person" shall mean any individual or legal entity, including but not limited to, a corporation, partnership, or trust.

G. "Responsible Party" means each person committing the violation or causing a condition on a parcel of real property located within the City of Riverside to violate the Riverside Municipal Code; each person who has an ownership interest in that property; and each person who although not an owner, nevertheless has a legal right or a legal obligation to exercise possession and control over that property. In the event the person who commits the violation or causes the violating condition is a minor, then the minor's parents or legal guardian shall be deemed the responsible party. In the event the violation or violating condition is most reasonably attributable to a business and not to an employee, then that business, to the extent it is a legal entity such that it can sue and be sued in its own name, and each person who is an owner of that business shall each be deemed responsible parties.

H. "Riverside Municipal Code," and "this code" shall mean the Riverside Municipal Code, including all pertinent provisions of state codes as adopted therein, enacted by the City Council of the City of Riverside acting pursuant to authority granted under the City Charter or other applicable law.

### **Section 1.17.110 Procedures for notification of administrative enforcement hearing.**

A. Where the action or proceeding for an administrative code enforcement remedy authorized by this chapter, or elsewhere in this Code, provides for or requires an administrative enforcement hearing; the City shall schedule the date, time, and place for that hearing before an Administrative Hearing Officer when so required by the particular remedy involved.

B. A written notice of the administrative enforcement hearing setting forth the date, time, and place of that hearing shall be served on the Responsible Party at least ten calendar days prior to the date set for that hearing.

C. The Notice of Hearing shall be served by any of the methods of services listed in Section 1.17.040 of this chapter.

D. The Notice of Hearing shall include an itemized statement of administrative costs which the City seeks to be assessed in addition to the amount of administrative civil penalties the City seeks to be assessed by the Administrative Hearing Officer.

#### **Section 1.17.230      Administrative citation fines; assessment and amounts.**

A. Unless otherwise provided in this code, the amount of fine to be imposed for a violation of this code and assessed by means of an administrative citation shall be one hundred dollars (\$100.00) for the first occurrence of a violation, two hundred dollars (\$200.00) for the second occurrence of the same type of violation, and five hundred dollars (\$500.00) for the third and each subsequent occurrence of the same type of violation. Notwithstanding this section, the amount of fine to be assessed by means of an administrative citation may be established by resolution of the City Council.

B. All fines assessed shall be payable to the City within thirty (30) calendar days from the date of the administrative citation.

C. Any person who fails to pay to the City any fine imposed pursuant to the provisions of this Chapter on or before the date that the fine is due shall also be liable for the payment of any applicable late payment charges set forth in the schedules of fines.

D. The City may collect any past due administrative citation fine or late payment charge by use of any available legal means. The City may also recover its collection costs.

E. Any administrative citation fine paid pursuant to Subsection A shall be refunded in accordance with Section 1.17.270 if it is determined, after a hearing, that the person charged in the Administrative Citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

F. Payment of the fine shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the City.

G. If the Responsible Party fails to correct the violation, subsequent administrative citations may be issued for the same violations. The amount of the fine shall increase at a rate specified by resolution of the City Council.

#### **Section 1.17.300      Administrative civil penalties; authority.**

A. The process for the assessment of administrative civil penalties established in this chapter is in addition to any other administrative or judicial remedy established by law that may be pursued to address violations of the Riverside Municipal Code.

B. Any person violating any provision of this code may be subject to the assessment of administrative civil penalties and related administrative costs pursuant to the procedures set forth in this chapter.

C. Administrative civil penalties, if awarded, assessed, or imposed; shall be assessed at a daily rate, the amount of which shall be determined by the Administrative Hearing Officer and set forth in an Administrative Civil Penalties Enforcement Order following the presentation of

evidence at an administrative enforcement hearing according to the procedures established in this chapter.

D. The maximum legal rate for administrative civil penalties shall be one thousand dollars (\$1,000.00) per day, per violation. The maximum legal amount of administrative civil penalties shall be one hundred thousand dollars (\$100,000.00), plus interest on unpaid penalties as provided in Section 1.17.090, per parcel of real property, including any structures located thereon, for all violations of this code, including continuing violations, existing at the time the Administrative Civil Penalties Notice and Order is issued by the City. Violations first occurring after the issuance of an Administrative Civil Penalties Notice and Order shall be subject to enforcement through the issuance of a separate Administrative Civil Penalties Notice and Order.

# Exhibit “B”

## Title 2

### Chapter 2.08

#### **Section 2.08.020      Offices, Departments, divisions of departments, and office/department heads established.**

The following departments and department heads are established:

- A.     The City Manager's Office, the head of which shall be the City Manager;
- B.     The City Clerk's Office, the head of which shall be the City Clerk;
- C.     The City Attorney's Office, the head of which shall be the City Attorney;
- D.     The Community & Economic Development Department, the head of which shall be the Community & Economic Development Director;
- E.     The Finance Department, the head of which shall be the Chief Financial Officer;
- F.     The Police Department, the head of which shall be the Chief of Police;
- G.     The Fire Department, the head of which shall be the Fire Chief;
- H.     The Public Works Department, the head of which shall be the Public Works Director;
- I.     The Public Utilities Department, the head of which shall be the Public Utilities General Manager;
- J.     The Parks, Recreation and Community Services Department, the head of which shall be the Parks, Recreation and Community Services Director;
- K.     The Library Department, the head of which shall be the Library Director;
- L.     The Museum Department, the head of which shall be the Museum Director;
- M.     The General Services Department, the head of which shall be the General Services Director;
- N.     The Human Resources Department, the head of which shall be the Human Resources Director;
- O.     The Innovation and Technology Department, the head of which shall be the Chief Innovation Officer.

#### **Section 2.08.030      City Manager Pro Tempore.**

In accordance with Section 603 of the City Charter, the City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as City Manager Pro Tempore.

The position and class title of Assistant City Manager is created hereby. The Manager Pro Tempore shall hold the position and bear the class title of Assistant City Manager. The Assistant City Manager shall perform such duties as may be assigned by the City Manager. He/She shall act as Manager Pro Tempore during any temporary absence or disability of the City Manager.

The position and class title of Assistant City Manager shall be included in the salary resolution and provision shall be made for the payment of such salary as may be designated by the salary resolution. Such salary shall be in addition to the regular monthly compensation of the officer or department head who is also Assistant City Manager and Manager Pro Tempore.

## **Chapter 2.12**

### **Section 2.12.010 Metropolitan Museum Board Established.**

There is hereby created, pursuant to Section 800 of the City Charter, a Museum Board for the Metropolitan Museum which shall consist of nine members appointed by the Mayor and City Council. The Museum Director or his/her representative shall attend all meetings of this Board and be responsible for maintaining all records and minutes.

### **Section 2.12.040 Title to Property.**

The title to all real and personal property acquired and utilized by the Riverside Metropolitan Museum or any of its branches, when not otherwise designated by terms of its acquisition, shall vest in the City.

## **Chapter 2.14 (Deleted in it's entirety)**

## **Chapter 2.20**

### **Section 2.20.030 Restoration to owner upon proof.**

The Police Department shall restore any such property in its possession that is no longer needed for a criminal investigation to the person submitting proof of ownership or right of possession which is satisfactory to the Chief of Police. A receipt for such property, containing the name and address of the claimant and provision for his identification, shall be signed by the claimant and retained by the Police Department as a part of the original record showing when and the circumstances under which such property was received.

### **Section 2.20.040 Sale at auction--Notice of sale.**

A. Unclaimed property, excepting bicycles, in the possession of the Police Department which has been held by the Police Department for a period of at least three months shall be offered for sale to the public at public auction. Unclaimed bicycles in the possession of the Police Department which have been held for a period of at least three months shall be scheduled for auction; provided, however, any such bicycles may be transferred in accordance with the provisions of Section 2.20.045.

B. The auction of unclaimed property may be held concurrently with an auction of surplus City property. Such unclaimed property shall be sold at public auction to the highest bidder for cash.

C. Notices of all such sales shall be given by posting copies of notices at City Hall and in a conspicuous place near the entrance of the Police Department. Such notices shall be so posted for at least five days preceding each sale. Copies of notices of sale shall be published at least one time in a newspaper of general circulation published within the City, the date of the last publication



to be at least five days before the date of sale. Such notices of sale shall contain general descriptions of the kinds of items of property to be sold, but definite descriptions of each of the several items are not required.

D. Notwithstanding Subsections A and B of this section, if the Purchasing Division of the City determines that any unclaimed property transferred to it for sale is needed for a public use, such property may be retained by the City and need not be sold. Unclaimed property transferred to the Purchasing Division shall not be redeemable by the owner or other person entitled to possession.

#### **Section 2.20.045      Transfer of bicycles for use in program to prevent delinquency.**

Any unclaimed bicycles in the possession of the Police Department which have been held for a period of at least three months may, instead be offered for sale at a public auction, be transferred to the probation officer or to the Welfare Department of the County of Riverside for use in any program or activities designed to prevent juvenile delinquency or to any charitable or nonprofit organization which is authorized under its articles of incorporation to participate in a program or activity designed to prevent juvenile delinquency and which is exempt from income taxation under federal or State law, or both, for use in any program or activity designed to prevent juvenile delinquency. Prior to any such transfer, the Chief of Police shall submit a written report to the Chief Financial Officer advising of the number of bicycles to be transferred; whether the bicycles are being transferred to the probation officer, the Welfare Department or to a charitable or nonprofit organization; and if the transfer is to a charitable or nonprofit organization, the name and address and federal or State tax-exempt identification number of such charitable or nonprofit organization.

#### **Section 2.20.050      Proceeds of sale.**

The Purchasing Services Manager shall make a record of the amount of money received for each item of property sold at each sale and shall deliver such record to the Chief Financial Officer immediately after the date of each sale. All money received as proceeds of such sales shall be delivered to the Chief Financial Officer and deposited in its general fund.

#### **Section 2.20.060      Disposal of valueless property.**

Unclaimed property offered for sale as provided in Section 2.20.040(A without any bid being made therefor, which is determined to be of no value may be destroyed by the auction service or delivered to some nonprofit organization approved by the Purchasing Services Manager which may be able to make some beneficial use of such property.

### **Chapter 2.32**

#### **Section 2.32.060      Administration of the salary and classification plan.**

No employee shall receive less than the minimum nor more than the maximum rate of compensation established for the class to which such employee is assigned except that reclassified employees may retain their current compensation as a special rate until the rate is included in their new class range. Initial appointments shall be made up to the mid-point of the salary range, and the City Manager may approve a higher initial rate of compensation if the best interests of the City

so require. An employee who is promoted from one class to another class which is allocated to a higher salary range shall receive no less than the equivalent of a one-step increase in the class to which such employee is promoted. All salary advancements within each class shall not be automatic, but shall be based upon merit and fitness and upon the financial ability of the City to make such advancements.

Each employee may be granted a one-step salary increase after the completion of six months of continuous service following appointment to the first step of the classification or after completion of one year of continuous service after the appointment to any other step of the classification and in accordance with established personnel policies and procedures, and said employee may be granted a one-step salary increase at the completion of each additional year of continuous service thereafter until said employee reaches the top of the salary range for such employee's classification; provided, however, each employee appointed to an approved apprenticeship program so providing may be granted a one-step salary increase at the completion of each six months of continuous service when the work and educational standards have been completed for that step until said employee reaches the top of the salary range for that classification.

Each employee who is promoted may be granted a one-step salary increase after the completion of six months of continuous service following promotion to the first step of the new classification or one year of continuous service following promotion to any other step of the new classification in accordance with established personnel policies and procedures, and said employee may be granted a one-step salary increase upon completion of each additional year of continuous service thereafter until said employee reaches the top of the salary range for that classification.

If a position is reclassified to a classification in which the salary range is higher and it is administratively determined that the incumbent meets the minimum qualifications and selection requirements of the classification and is in fact performing the full range of duties and responsibilities of that position, the incumbent of the position shall be entitled to a salary increase which shall advance such employee to the closest step within the new range that would provide a five percent salary increase.

Notwithstanding the foregoing, except for the direct reports of the City Attorney and the City Clerk, the City Manager may approve a special meritorious increase prior to the expiration of the required time. Except for the direct reports of the City Attorney and the City Clerk, all appointments, promotions, merit and salary increases shall be recommended by the department head and approved by the City Manager.

Further, notwithstanding the foregoing, the City Attorney and the City Clerk may approve a special meritorious increase prior to the expiration of the required time as well as all appointments, promotions, merit and salary.

#### **Section 2.32.070      Attendance, hours and working time computations.**

All officers and employees of the City shall be in attendance at their work in accordance with the working hours established for the several departments, except that the City Manager, department heads and supervisory personnel designated by the City Manager shall work such hours as may be necessary for the effective operation of their respective departments. Employment by the City shall be eight hours per day and forty hours per week except that the City Manager may authorize employment on a different basis when the nature of the employment or the best interests of the City so require. Each department head shall certify to the attendance of his employees at

such time and in such manner as the Chief Financial Officer may require. Working time computation for regular hourly pay rates shall be computed on the basis of twelve times the monthly rate divided by fifty-two, divided by the number of hours in the regular work week for the position for which such rate is computed.

**Section 2.32.150 Payroll deductions.**

The Chief Financial Officer shall deduct from each employee's salary the amount required for income tax purposes and make payment thereof to the United States as required by law. The Chief Financial Officer shall deduct from each employee's salary the amount required for the employee's contribution to the State Employees' Retirement System and make payment thereof as required by law. Any officer or employee may authorize the Chief Financial Officer to make such deductions from his salary as are authorized by the City Council. When so authorized, the Chief Financial Officer shall make such deductions and shall pay the amounts thereof to the specified agency, firm or group.

**Chapter 2.40 (Deleted in its entirety)**

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**Chapter 2.52(Deleted in its entirety)**

**Chapter 2.60(Deleted in its entirety)**

**Chapter 2.64**

**Chapter 2.64**

**COMMISSION ON AGING**

**Section 2.64.010 Creation.**

Pursuant to the provisions of Section 800 of the Charter of the City, there is created a Commission on Aging to be composed of eleven members appointed by the Mayor and City Council.

**Chapter 2.66**

**Section 2.66.030 Membership and Terms of the Commission on Disabilities.**

A. The Commission on Disabilities shall consist of eleven members appointed by the Mayor and City Council.

B. Members should consist of both persons with and without disabilities. Members should also represent a cross-section of the City's disability groups and include persons with professional experience representing or supporting persons with disabilities. Further, the diversity of the Commission is important to achieving its stated duties and functions. In that regard, there should be focused outreach activities to expand the pool of applicants for appointment to the Commission.

## **Chapter 2.76**

### **Section 2.76.030      Creation of Community Police Review Commission.**

Pursuant to the provisions of Article VIII, Appointive Boards and Commissions, of the Charter of the City of Riverside, as the same now exists or is hereafter amended, there is hereby created a Community Police Review Commission. The Commission Manager of the Commission or his/her representative shall be responsible to attend all meetings of the Commission and be responsible for maintaining all records and minutes.

# **Exhibit “C”**

## **Title 3**

### **Chapter 3.12**

#### **Sections:**

- 3.12.010 Title.**
- 3.12.020 Tax imposed.**
- 3.12.030 Who shall pay tax.**
- 3.12.040 Exemptions.**
- 3.12.050 County recorder duties.**
- 3.12.060 Chief Financial Officer duties.**
- 3.12.070 City Manager duties.**
- 3.12.080 Refund claims.**
- 3.12.090 Filing.**
- 3.12.100 Operative date.**

#### **Section 3.12.060 Chief Financial Officer duties.**

The Chief Financial Officer of the City of Riverside in his or her capacity as Tax Collector and/or tax receiver is the officer under the direction of the City Manager responsible for maintaining relations with the County of Riverside for the purpose of administering the tax imposed by this ordinance and receiving and accounting for the funds collected thereunder.

### **Chapter 3.18(Deleted in its entirety)**

### **Chapter 3.24**

#### **Sections:**

- 3.24.010 Order to Chief Financial Officer to adopt those forms required to be made to State Controller.**
- 3.24.020 Departments directed to use forms prescribed by Controller.**

#### **Section 3.24.010 Order to Chief Financial Officer to adopt those required to be made to State Controller.**

The Chief Financial Officer is hereby authorized and directed to adopt and use such forms for reports and accounting as shall conform to the form of report and accounting required to be made to the Controller of the State.

**Section 3.24.020      Departments directed to use forms prescribed by Chief Financial Officer.**

All departments of the City are hereby directed to use such forms for reports and accounting as may be prescribed by the Chief Financial Officer in carrying out and making effective the provisions of Section 3.24.010.

**Chapter 3.28**

**Chapter 3.28**

**WARRANTS\***

**Sections:**

- 3.28.00E      Editor's note to Chapter 3.28.**
- 3.28.010      Definitions--Date.**
- 3.28.020      Controller directed to cancel certain warrants.**
- 3.28.030      Chief Financial Officer to refuse payment of cancelled warrants.**
- 3.28.040      List of cancelled warrants--Record of cancellation.**
- 3.28.050      Treasurer to keep record of cancelled warrants presented for payment.**

**Section 3.28.010      Definitions--Date.**

For the purposes of this chapter, the word "controller" means the Controller of the City; the word "treasurer" means the Chief Financial Officer of the City; the word "warrant" means any claim or demand against the Treasury of the City, or the City, or any department or fund thereof, which has been audited and approved for payment.

"Registered warrants" are expressly excluded from the definition of "warrant" and from the operation of this chapter.

The date which a warrant bears shall be deemed to be the date when it was issued and was payable.

**Section 3.28.020      Controller directed to cancel certain warrants.**

The Controller is authorized and directed to cancel each warrant issued and payable on or after January 1, 1950, which is not presented to the Chief Financial Officer for payment on or before the thirty-first day of December of the second calendar year immediately following the calendar year during which it was issued. The entire calendar year during which the warrant was issued shall be excluded from the computation of time within which a warrant must be presented for payment.

**Section 3.28.030      Chief Financial Officer to refuse payment of cancelled warrants.**

The Chief Financial Officer shall refuse payment of each warrant which has been cancelled or should be cancelled for failure of presentation for payment as provided in Section 3.28.020. The Chief Financial Officer shall not incur any liability in person or on his official bond by reason of payment of any warrant which has been cancelled or which should have been cancelled as provided in Section 3.28.020, if such payment was the result of accident, inadvertence or excusable

neglect.

**Section 3.28.040 List of cancelled warrants--Record of cancellation.**

The Controller shall prepare a list of cancelled warrants in duplicate annually and shall keep the original of the list in his office and furnish the Chief Financial Officer with the copy of such list. The record of cancelled warrants shall show the serial number of each warrant, together with the date when and the amount for which it was issued, the fund against which it was issued, the payee, and the date of cancellation.

Such cancellation shall be made on the record or register of claims, demands and warrants, and on the fact of any claim, demand or warrant in the possession of the Auditor.

**Section 3.28.050 Chief Financial Officer to keep record of cancelled warrants presented for payment.**

The Chief Financial Officer shall keep a record of such cancelled warrants as may be presented to him for payment, and shall include the date of presentation for payment. Copies thereof shall be furnished to the Controller from time to time as requested.

**Chapter 3.30**

**Section 3.30.020 Definitions.**

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

"City Manager" shall mean the City Manager of the City of Riverside.

"Costs reasonably borne" as used and ordered to be applied in this chapter are to consist of the following elements:

1. All applicable direct costs including, but not limited to salaries, wages, overtime, employee fringe benefits, services and supplies, maintenance and operation expenses, contracted services, special supplies, and any other direct expense incurred.

2. All applicable indirect costs including, but not restricted to, building maintenance and operations, equipment maintenance and operations, communications expenses, computer costs, printing and reproduction, vehicle expenses, insurance, debt service, and like expenses when distributed on an accounted and documented rational proration system.

3. Fixed asset recovery expenses, consisting of depreciation charges calculated on the current estimated cost of replacement, divided by the approximate life expectancy of the fixed asset. A further additional charge to make up the difference between book value depreciation not previously recovered and reserved in cash and the full cost of replacement, also shall be calculated and considered a cost so as to recover such unrecovered costs between book value and cost of replacement over the remaining life of the asset.

4. General overhead, expressed as a percentage, distributing and charging the expenses of the of all staff and support service provided to the entire City organization. Overhead shall be prorated between tax-financed services and fee-financed services on the basis of said percentage so that each of taxes and fees and charges shall proportionately defray such overhead costs.

5. Departmental overhead, expressed as a percentage, distributing and charging the cost of each department head and his or her supporting expenses as enumerated in subdivisions 1, 2, 3 and 4 of this definition.

6. Debt service costs, consisting of repayment of principal, payment of interest, and trustee fees and administrative expenses for all applicable bond, certificate, note or securities issues or loans of whatever nature or kind. Any required coverage factors or required or established reserves beyond basic debt service costs also shall be considered a cost if required by covenant within any securities ordinance, resolution, indenture or general law applicable to the City.

### **Section 3.30.030      Schedule of Regulation, Products and Services.**

A. The City Clerk, City Manager, Chief Finance Officer and each City department head, under the direction of the City Manager, shall review annually the regulations, products and services of the City and the fees and service charges imposed by the City or recommended to be imposed by the City, and provide an adjusted fee or charge schedule to the City Council for its consideration so as to recover the percentage of costs reasonably borne as set forth in the Master Fees and Charges Schedule as necessary to provide the listed regulation, product or service:

#### **Regulation, Product or Service**

#### **I.      CITY CLERK:**

- 1201 City Clerk Document Certification
- 1202 Candidate Nomination Filing
- 1203 Municipal Code Book/Supplement Charges
- 1204 Duplication of Council Meetings
- 1205 Political Reform Act Late Filing
- 1206 Candidate Statement Filing
- 1207 Passport Application
- 1208 Passport Photo

#### **II.     FINANCE:**

- 2301 Transit Permit
- 2302 Taxicab Franchise Application
- 2303 Street Vendor Regulation/Permit
- 2304 Close-Out Sale Regulation/Permit
- 2305 Bicycle Registration/License
- 2306 Returned Check (NSF) Processing
- 2307 New Business Registration/Inspection
- 2308 Collection Payment Plan

#### **III.    COMMUNITY & ECONOMIC DEVELOPMENT - BUILDING:**

- 2601 Building Plan Check
- 2602 Building Permit and Inspection
- 2606 Special Inspections
- 2607 Building Modification/Alternate Materials Review
- 2608 Appeal of Building Official
- 2609 Building Document Archiving
- 2610 Special Deputy Registration
- 2611 Other

#### **IV.    COMMUNITY & ECONOMIC DEVELOPMENT - PLANNING:**



- 2701 Amendment to Zoning Text
- 2702 Planning Inspection
- 2703 Public Hearing Advertise/Re-advertise
- 2705 Zoning Letter
- 2706 Site Plan Review
- 2707 Minor Conditional Use Permit Review
- 2708 Conditional Use Permit Review
- 2712 Time Extension Review
- 2713 Parcel Map or Waiver Review
- 2714 Minor Conditional Use Permit – Alcohol/Entertainment/Housing
- 2717 Conditional Use Permit – Alcohol/Entertainment/Housing
- 2719 Tentative Tract/Reversion to Acreage Map Review
- 2723 Vesting Map Review
- 2725 Planned Residential Development Permit Review
- 2730 Rezoning Request Review
- 2732 Rezoning Request Time Extension with Hearing
- 2739 Day Care Permit Review
- 2740 Administrative Variance Review
- 2743 Street/Alley Vacation/Traffic Pattern Modification Review
- 2744 Certificate of Compliance Investigation
- 2745 Modification of Conditions Review
- 2746 Temporary Use Permit (TUP)
- 2747 Nonconforming Status Review
- 2748 Condominium Conversion
- 2750 Water Quality Management Program – Preliminary
- 2751 Initial Environmental Study Single Family Residential (SFR) Grading
- 2752 Initial Environmental Study
- 2753 Environmental Impact Report
- 2758 Airport Land Use Commission (ALUC) Appeal
- 2760 Development Agreement
- 2764 General Plan Amendment Review
- 2766 Specific Plan Review
- 2770 Plot Plan/Elevation Design Review
- 2771 Landscape/Irrigation Plan Review
- 2772 Administrative Sign Review
- 2774 Street Design Review (Reverse Frontage)
- 2777 Minor Review – Single Family Residential (SFR) Plot Plan/Elevations
- 2778 Minor Review – Single Family Residential (SFR)Landscape/Irrig. Plans
- 2785 Administrative Design Review – Repaint
- 2787 General Plan Maintenance, Update and Implementation, including Specific Plans, Zoning Code Amendments and related activities
- 2788 Annexation Processing
- 2790 Planning Appeal
- 2792 Mills Act Preservation Review
- 2793 Street Name Change
- 2794 Lot Line Adjustments/Consolidations
- 2795 Summary Vacation Review
- 2796 Administrative Review for Public Convenience and Necessity
- 2797 Planning Document Imaging
- 2798 Williamson Act Contract Application Review
- 2799 Historic Preservation

**V. CITY-WIDE ACTIVITIES:**

- 2901 Sale of Printed Material and Maps

2902 Social Services Program Support  
2904 Live Steamer Club Services  
2905 Visitor & Convention Bureau Support  
2906 Copying of Documents  
2907 Child Care Program Rental  
2910 Animal Regulation/Licensing  
2911 Copy of Records from Microfilm  
2912 Public Safety Cost Recovery  
2921 Transportation Center Maintenance  
2923 Damage to City Property  
2924 Municipal Auditorium Rental  
2925 Specialized Report Request  
2926 Sale of Digital CADME Data Products  
2927 Overtime Service Request  
2928 Fox Theater Facility

**VI. PUBLIC SAFETY - POLICE:**

3103 Police Security Service  
3106 Noise Disturbance Response Call-Back  
3107 Driving Under the Influence (DUI) Accident  
Response Investigation/Reporting  
3108 Background Investigation  
3109 Fingerprint Processing  
3110 Vehicle Citation Correction Inspection  
3111 Security Alarm Regulation/Permit  
3113 Concealed Weapon Background Investigation/Permit  
3114 Abandoned Vehicle Removal  
3115 Special Computer Print-Out Service  
3116 Statutory Registration  
3117 Reproduction of Crime Scene Photos  
3119 Police Report Copying  
3120 Parking Enforcement  
3121 California Vehicle Code Enforcement  
3124 Special Event Regulation  
3126 Regulatory License/Special Permits  
3128 Bingo Permit Regulation  
3129 Police Tape Duplication Service  
3130 Vehicle Release Fee – Safe Streets Act  
3132 Repossessed Vehicle Processing  
3133 School Resource Program  
3134 Towing Referral Services

**VII. PUBLIC SAFETY - FIRE:**

3502 Hazardous Materials Usage/Permit I  
(Business Emergency Plan)  
3503 Hazardous Materials Usage/Permit II  
(Business Emergency Plan)  
3504 Hazardous Materials Usage/Permit III  
(Business Emergency Plan)  
3505 Hazardous Materials Investigation  
3506 Fire Prevention Inspection  
3509 Fireworks Display Inspection/Permit

- 3510 Requested Fire Inspection
- 3514 Fixed Extinguishing Systems Plan Check
- 3516 California Fire Code Without Inspection
- 3517 California Fire Code Inspection/Permit
- 3518 Removal of Above Ground Fuel Tank
- 3519 Install/Remove Underground Fuel Tank
- 3521 Hazardous Materials Records Search
- 3522 Medical Aid Response
- 3524 Fire Company Second Reinspection
- 3525 Illegal Burn Response
- 3526 Electrical Hazard Response
- 3527 Sprinkler System Plan Check/Inspection
- 3528 Tenant Improvement Sprinkler System Plan Check
- 3529 Fire Alarm System Plan Check
- 3530 Fire Protection Underground System Plan Check
- 3531 Petroleum Tank Inspection – Above Ground (APSA)
- 3532 Hazardous Material Response
- 3533 Requested Fire Investigation
- 3535 Sprinkler System Plan Check/Inspection  
Multiple Site
- 3536 New Construction Reinspection
- 3537 Ambulance Franchise Application
- 3538 Fire Facility Rental
- 3539 Non-Emergency Ambulance Inspection Permit

#### **VIII. PUBLIC WORKS - ADMINISTRATION:**

- 3123 Crosswalk Protection
- 4101 Air Quality Improvement Program

#### **IX. PUBLIC SAFETY - CODE COMPLIANCE:**

- 4110 Weed Abatement
- 4112 Vehicle Abatement
- 4113 Dangerous Building Inspection
- 4116 Trash/Nuisance Abatement

#### **X. COMMUNITY DEVELOPMENT - PUBLIC WORKS:**

- 4122 Traffic Plan Review
- 4123 Water Quality Management Program – Final
- 4124 Inspection Call-back
- 4125 Processing Fees
- 4126 Public Improvement Time Extensions
- 4127 Determination of Compliance
- 4128 Subdivision Plan Check
- 4129 Subdivision Map Check
- 4130 Parcel Map, Map Check
- 4131 Parcel Map Plan Check
- 4132 Engineering Plan Check  
(Except Parcel Map and Subdivision)
- 4133 Private Development Inspection
- 4134 Street Encroachment Request
- 4135 Street Opening Permit/Inspection

- 4136 Grading Plan Check
- 4137 Grading Inspection
- 4138 Street Tree Plan Check

**XI. PUBLIC PARKING - PUBLIC WORKS:**

- 2309 Handicapped Parking Ticket Dismissal
- 4120 Public Parking Garage Operation
- 4121 Public Parking Lot Operation
- 4147 Overtime Parking
- 4148 Preferential Parking
- 4149 Equipment Registration
- 4150 Temporary No Parking

**XII. MAINTENANCE:**

- 4140 Wide, Overweight/Long-Load Permit Review
- 4141 General Utility Street Usage/Franchise
- 4142 Right-of-Way Cleanup
- 4146 Hazardous Material Cleanup

**XIII. UTILITY AND ENTERPRISES - SEWER:**

- 4165 Private Contractor Septic Tank Discharge

**XIV. UTILITY AND ENTERPRISES - REFUSE:**

- 4182 Self-Haul Permit Review
- 4183 Shopping Cart Impound Release

**XV. LEISURE AND CULTURAL - LIBRARY:**

- 5101 Library Room Rental
- 5102 Reservation of Library Materials
- 5103 Inter-Library Book Retrieval
- 5104 Retrieval and Copying of Periodicals
- 5105 Replacement of Lost Cards
- 5106 Replacing Lost Library Items
- 5107 County Library Service (Contract)
- 5108 Library Equipment Rental
- 5109 Library On-Line Records Search
- 5110 Overdue Materials Processing
- 5111 Damaged Material Repairs
- 5112 Historic Photograph Processing
- 5113 Overdue Collection Fee

**XVI. LEISURE AND CULTURAL - RECREATION:**

- 5210 Youth Contract Classes
- 5211 Youth City Activities
- 5212 Day Camp Programs
- 5213 Youth Center Special Events
- 5214 Adult Contract Classes
- 5216 Local Community Activities

- 5217 Picnic Facility Reservation/Rental
- 5218 Social Services Office Rental
- 5219 Facility Use Without Charge
- 5220 Community Center Rental
- 5221 Youth Sports Programs
- 5222 Adult Sports Programs
- 5223 Time for Tots Programs
- 5224 Youth Excursions
- 5225 City-Wide Special Events
- 5226 Special Trips and Travel
- 5227 Senior Citizen Programs
- 5228 Challenged Citizen Activities
- 5230 Youth Summer Food Program
- 5231 Recreational Swimming
- 5232 Swimming Lessons
- 5233 Pool Rentals
- 5234 Private Swim Team Pool Use
- 5235 Boathouse Boat Rentals
- 5236 Lakeside Room Rental
- 5237 Use of Other Departmental Facilities
- 5240 Goeske Senior Center Support
- 5245 Senior Nutrition Program

**XVII. MAINTENANCE - PARK AND RECREATION:**

- 5253 Private Youth Group Field Usage
- 5254 Private Adult Field Rental
- 5255 Private Youth Group Field Lighting
- 5256 Private Adult Field Lighting
- 5257 Lawn Bowling Grounds Maintenance
- 5258 Riverside Community College Ballfield and Tennis Court Maintenance
- 5260 Mobile Stage Rental

**XVIII. LEISURE AND CULTURAL - HISTORIC RESOURCES:**

- 5301 Museum Operation.
- 5302 Heritage House Operations
- 5303 Mission Inn Support

**XIX. ENTERPRISES - AIRPORT:**

- 5401 Airport Operations

**Chapter 3.32(Deleted in its entirety)**

**Chapter 3.36**

**Section 3.36.010 Funds in the treasury.**

The Chief Financial Officer is authorized by Section 704(f) of the City Charter of the City of Riverside to have custody of all public funds belonging to or under the control of the City or

any office, department or agency of the City government and to deposit all funds coming into the Chief Financial Officer's hands in such depository as may be designated by resolution of the City Council or if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

The Chief Financial Officer may establish and terminate separate funds for the recording, deposit and safekeeping of all such money as shall be determined by the City Council, or as determined by the Chief Financial Officer, to be necessary and appropriate in order to account for the proper segregation of deposits received from the City's various funding sources. The City budget adopted annually by the City Council shall include a listing of all such funds which exist on the date of adoption of the annual budget.

### **Chapter 3.38**

#### **Section 3.38.010 Findings.**

The City Council of the City of Riverside finds and declares that:

A. The City is committed to improving the public health, safety and welfare, including air quality.

B. Mobile sources are a major contributor to air pollution in the South Coast Air Basin.

C. Air quality goals for the region established by State law cannot be met without reducing air pollution from mobile sources.

D. The South Coast Air Quality Management Plan (AQMP) calls upon cities and counties to reduce air emissions from motor vehicles consistent with the requirements of the California Clean Air Act of 1988 by developing and implementing mobile source air pollution reduction programs.

E. To the extent that such programs place demands upon the City's funds, those programs should be financed by shifting the responsibility for financing from the General Fund to the motor vehicles creating the demand, to the greatest extent possible.

F. Section 44223, added to the Health and Safety Code by action of the State Legislature on September 30, 1990 (Chapter 90-1705), authorizes the South Coast Air Quality Management District (SCAQMD) to impose an additional motor vehicle registration fee of two dollars commencing April 1, 1991, and can increase to six dollars up to January 1, 2024, , to finance the implementation of transportation measures embodied in the AQMP and the provisions of the California Clean Air Act.

G. Forty cents of every dollar collected under Section 44223 of the Health and Safety Code shall be distributed to the cities and counties located in the South Coast Air Basin that comply with Section 44223 of the code, based on the jurisdiction's prorated share of the population as defined by the State Department of Finance.

H. The City of Riverside is located within the South Coast Air Basin and is eligible to receive a portion of the revenues from the motor vehicle registration fees upon adoption of this chapter.

I. The City, after careful consideration, hereby finds and declares that the imposition of the motor vehicle registration fee by the SCAQMD to finance mobile source air pollution reduction programs is in the best interests of the general welfare of the City and its residents.

### **Section 3.38.030 Definitions.**

As applied in this chapter, the following words and terms shall be defined as follows:

"City" shall mean the City of Riverside.

"District" or "SCAQMD" shall mean the South Coast Air Quality Management District.

"Fee Administrator" shall mean the Chief Financial Officer of the City of Riverside.

"Mobile source air pollution reduction programs" shall mean any program or project implemented by the City to reduce air pollution from motor vehicles pursuant to the California Clean Air Act of 1988 or the plan pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety code.

"South Coast Air Basin" shall mean those portions of Riverside, San Bernardino, Orange and Los Angeles Counties that fall within the jurisdiction of the South Coast Air Quality Management District.

## **Chapter 3.46**

### **Section 3.46.040 Description of the area.**

The Downtown Parking and Business Improvement Area created herein is in the downtown business area of the City of Riverside, an area more fully described in the legal description and the plat of the area titled "Business Improvement District" and placed on file in the Office of the City Clerk. The boundaries of the Downtown Parking and Business Improvement Area of the City of Riverside may be amended from time to time, by resolution pursuant to Section 36535 of the California Streets and Highways Code or by ordinance pursuant to Section 36540 of the California Streets and Highways Code.

## **Chapter 3.48**

### **Section 3.48.050 Description of Area.**

The Arlington Business Improvement District area created herein is in the Arlington area of the City of Riverside generally between Arlington Avenue on the north, along Van Buren Boulevard to Lincoln Avenue on the south, and a portion along Magnolia Avenue from Tyler Street on the west, to Jackson Street on the east, said area being more accurately described on the Arlington Business Improvement District map placed on file in the Office of the City Clerk. The area is described in a legal description on file with the City Clerk

## **Chapter 3.49**

## **Chapter 3.49**

### **AUTO CENTER BUSINESS IMPROVEMENT DISTRICT**

#### **Section 3.49.050 Description of Area.**

The Auto Center Business Improvement District area created herein is located in the City of Riverside along Indiana Avenue, Adams Street, Auto Center Drive, and Jefferson Street, between Indiana Avenue and Lincoln Avenue, said area being more accurately described on the

Auto Center Business Improvement District map placed on file in the Office of the City Clerk. The area is described in a legal description on file with the City Clerk and shown on the plat titled "Proposed Auto Center Business Improvement District.

**Map Deleted**

**Chapter 3.50 (Deleted in its entirety)**



# EXHIBIT “D”

## Title 5

### Chapter 5.04

#### **Section 5.04.010 Definitions.**

For the purposes of this Chapter, the following words and phrases shall be defined as follows:

A. Average Number of Employees. “Average number of employees” means the average number of persons employed daily in the person’s business for the preceding period of one year and shall be determined by ascertaining the total number of hours of service performed by all employees during the preceding year, including paid leave, dividing the total number of hours of service by the full-time equivalent (two thousand eighty hours). In computing the average number of employees, fractions of numbers shall be rounded to the nearest whole number with one-half or greater being rounded up and less than one-half being rounded down.

B. Business. “Business” means and includes professions, trades, and occupations and all and every kind of calling whether or not carried on for profit.

C. Business Rentals. “Business rentals” means any business conducted or carried on by any person engaged in the business of renting or letting a building or structure of any kind, including, but not limited to, office buildings, warehouses, commercial spaces, office spaces and industrial spaces to a tenant for purposes other than dwelling, sleeping or lodging.

1. One (1) or more business rental units on the same parcel or adjoining parcels shall be considered a separate place of business and a tax certificate must be obtained for each separate place of business.

2. This definition shall not include cooperatively owned multiple business units wherein all units are individually owned and occupied by the owner of the unit.

3. All taxable business rental units shall be taxed on the basis of gross receipts, as provided for by Section 5.04.300.A.1, entitled Classification "A" Retail Sales.

D. Certificate. "Certificate" means the business tax payment certificate issued to the taxpayer upon the payment of the business tax. The certificate does not authorize the person to conduct any lawful business in an illegal manner or to conduct within the City of Riverside the business for which the certificate has been issued without strictly complying with all the provisions of the ordinances of said City. The certificate does not constitute a permit to engage in business. It is the document issued upon the payment of the business tax. References to a license or business license in this Chapter or other chapters of this Code shall be understood to refer to the business tax payment certificate.

E. City. “City” means the City of Riverside, a California Charter City and municipal corporation.

F. Collector. "Collector" means the Finance Director or other City officer charged with the administration of this Chapter. References to License Collector or Tax Administrator shall be understood to refer to the Finance Director or his authorized representative.

G. Conduct or Carry on. "Conduct or carry on" means and includes the engaging in, carrying on, owning, maintaining, managing or operating any business, trade, art, profession, calling, employment, occupation, or any commercial, industrial or professional pursuit or vocation

whether done as owner, or by means of an officer, agent, manager, employee, servant, lessee or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities.

As to business conducted within the City, whether the business establishment is located within or outside the City, every such sale, service or other transaction shall be deemed to have occurred within the City for purposes of the business license tax.

H. Contractor. "Contractor" means every person conducting, carrying on or managing a business who is licensed as a contractor by the State of California and who undertakes to, or offers to undertake to, or purports to have the capacity to undertake to, or submits bids to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement or to do any part thereof, including the erection of scaffolding or other structures or works in conjunction therewith.

1. Any "contractor" as defined above conducting or carrying on the business of selling goods, wares or merchandise as a retailer or wholesaler, in addition to his contracting business shall, in addition to the contractor's business tax certificate provided herein, secure a certificate for such retail or wholesale business as required in the chapter.

2. The term "contractor" includes general engineering contractor, general building contractor, specialty contractor and subcontractor whether operating within the City or from outside the City with no fixed place of business in the City.

3. Any "contractor" as defined herein that possesses a current license, issued by the State of California, and such license bears an address located within the City, shall maintain a certificate at all times whether the contractor's work is located within the City or outside the City.

I. Employee. "Employee" means, in relation to a business, any and all owners, or members of the owner's family, partners, or associates or individuals, to whom the business pays a wage, all of whom shall be included in the computation of the average number of employees of the business.

1. Any business leasing, renting or otherwise providing space for self-employed individuals to conduct their business, or any business utilizing self-employed individuals in the conduct of their business, shall either pay for the self-employed individual as an employee of their business, or shall require the self-employed individual to obtain a separate certificate. In either case, a list of all self-employed individuals shall be provided to the Collector when registering for a certificate. This Section includes any service already enumerated in this Chapter.

2. Employment services shall include all pay rolled individuals, whether working in or out of the City of Riverside, when determining the average number of employees.

J. General Services. "General services" means providing, maintaining or performing labor for benefit of another within the City; supplying some general demand for the benefit of another within the City and does not include professional services or other services enumerated in this Chapter.

K. Gross Receipts: "Gross receipts" means and includes the total of amounts actually received or receivable from sales and the total amounts actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise. "Gross receipts" includes all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever;

1. A business established outside the City but maintaining a branch office within the City, or doing business within the City through an agent, broker or employee, shall report as gross receipts, its total sales or receipts attributable to the local branch office, local agent, broker or employee operating within the City;

2. Gross receipts for real estate brokers or agents, travel agents, insurance brokers, and bail bond brokers shall mean the total gross commissions.

3. The following shall be excluded from “gross receipts”:

a. Cash discounts allowed and taken on sales;

b. Credit allowed on property accepted as part of the purchase price and which property may later be sold;

c. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

d. Such part of the sale price or property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit;

e. Amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected, provided the agent or trustee has furnished the Collector with the names and addresses of the others and the amounts paid to them;

f. Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;

g. As to a real estate agent or broker, the sales price of real estate sold for the account of others except that portion which represents commission or other income to the agent or broker;

h. As to a retail gasoline dealer, a portion of his receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under the provisions of Part 2 of Division 2 of the Revenue and Taxation Code of the State of California;

i. As to a retail gasoline dealer, the special motor fuel tax imposed by Section 4041 of Title 26 of the United States Code if paid by the dealer or collected by him from the consumer or purchaser.

L. Insurance Agent. “Insurance agent” means any person, including bail bond agents, directly authorized by and on behalf of an insurer to transact insurance and bind the insurer in the execution of insurance policies.

M. Insurance Broker. “Insurance broker” means any person, including bail bond brokers, who, for compensation and on behalf of another person, transacts insurance other than life, with, but not on behalf of, an insurer.

N. Location. “Location” means the place where the business is conducted whether at a single address or multiple addresses that are contiguous. If a business entity conducts business at two or more addresses which are not physically contiguous, each such noncontiguous address shall constitute a separate location. In the case of electronic transactions, the place where the seller is located is deemed the “location” for purposes of this Chapter.

O. Manufacturing. “Manufacturing” means the business of making, developing, assembling or packaging of any machines, devices, articles, things, commodities, goods, wares, merchandise, products, equipment, material or substances for sale or distribution to the public either at wholesale or retail.

P. Persons. “Person” means and includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, trusts, societies, and individuals transacting and carrying on any business in the City, other than as an employee.

Q. Professional Services. "Professional services" means any person, including a professional corporation, wherever located, engaged in/or carrying on within the City any profession requiring compliancy with written and/or oral examination standards adopted by a branch of the state or federal government and/or requiring a certain amount of tenure with such branch of government; such professions to include but not be limited to: architect, attorney, accountant (all types), audiologist, chiropractor, clinical social worker, dentist, economist, engineer (all types), geologist, marriage, family and child counselor, mortician, optician, optometrist, osteopath, physician (all types), podiatrist, psychologist, registered nurse, speech pathologist, surveyor, veterinarian, etc.

R. Residential Rentals. "Residential rentals" means any business conducted or carried on by any person engaged in leasing, renting, subleasing, subletting, providing, exchanging or trading without loss of ownership or leasehold, any real property, dwelling, building, structure, premises or portion thereof, for the purpose of dwelling, sleeping, lodging, boarding or other such occupancy, accommodation or general residency.

1. Two (2) or more single-family residential rental units and multiple-residential rental units of two (2) or three (3) units shall be taxed as one business using the property owner's physical address as the business address.

2. Four (4) or more residential rental units on the same parcel or adjoining parcels shall be considered a separate place of business and a tax certificate must be obtained for each separate place of business.

3. This definition shall not include cooperatively owned multiple dwellings wherein all units are individually owned and occupied by the owner of the unit.

4. Any person claiming to have only one (1) single-family residential rental unit shall declare such on a form provided by the Collector and shall obtain a tax free certificate.

5. All taxable residential rental units shall be taxed on the basis of gross receipts, as provided for by Section 5.04.300.A.1, entitled Classification "A" Retail Sales.

S. Sale. "Sale" means and includes the transfer, in any manner or by any means whatsoever, of title to property for a consideration; the serving of, supplying of, or furnishing for a consideration any property; and any transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price. The foregoing shall not be deemed to exclude any transaction which is or which, in effect, results in a sale within the contemplation of law.

T. Sworn Statement. "Sworn statement" means an affidavit sworn to before a person authorized to take oaths, or a declaration or certification made under penalty of perjury.

U. Wholesale Sales. "Wholesale sales" means the sale of goods, wares or merchandise for the purpose of resale and there is no sale to the ultimate consumer.

#### **Section 5.04.300 Business tax.**

Every person who engages in business within the City shall pay a business tax as set forth in this section.

The maximum annual tax payable for businesses taxed at the rates established in subdivisions 5.04.300 A.2 and 3 of this section shall be four thousand dollars as of July 1, 1989, and shall be automatically adjusted November 1st of each year thereafter, upward or downward, equivalent to the most recent change in the annual average of the Consumer Price Index as published by the United States Department of Labor for the Los Angeles-Anaheim-Riverside metropolitan area or five percent, whichever is less.

For purposes of calculating the annual inflator/deflator under this section, the formula detailed in section 5.04.330 shall be used.

A. Tax Rates Based Upon Gross Receipts. Every person who engages in business in the City shall pay a business tax based upon gross receipts unless specifically assigned a different tax rate in a subsequent schedule.

1. Classification "A" Retail Sales. All businesses consisting of selling at retail, manufacturing and selling at retail, services, rental of residential and nonresidential real estate, hotels, motels, bowling alleys, skating rinks, food establishments, convalescent hospitals, child care centers, day nurseries, babysitters and pawnbrokers will be classified in this category and shall pay an annual business tax as follows:

a. Minimum tax of sixty-five dollars for the first twenty-five thousand dollars of gross receipts and in addition thereto, the sum of forty-four cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of twenty-five thousand dollars but less than five hundred thousand dollars and in addition thereof, the sum of eleven cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of five hundred thousand dollars.

2. Classification "B" Wholesale Sales, Manufacturing, Newspapers, News Agencies and Telephone Companies. All businesses consisting of selling at wholesale, manufacturing, packing, processing, managing or carrying on a business consisting mainly of newspapers, news agencies and similar publishing businesses, and telephone companies will be classified in this category and shall pay an annual business tax as follows:

a. Minimum tax of sixty-five dollars for the first fifty thousand dollars of gross receipts and in addition thereof, the sum of twenty-two cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of fifty thousand dollars but less than one million dollars and in addition thereto, the sum of six cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of one million dollars.

3. Classification "C" Motor Vehicle Dealers -- New and Used. Any person conducting, managing, or carrying on the business of selling automobiles, and heavy equipment only, whether at retail or wholesale, will be classified in this category and shall pay an annual business tax of:

a. Minimum tax of sixty-five dollars for the first fifty thousand dollars of gross receipts and in addition thereof, the sum of thirty-three cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of fifty thousand dollars but less than seven hundred fifty thousand dollars and in addition thereto, the sum of nine cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of seven hundred fifty thousand dollars.

4. Classification "D" Vending Machines -- Merchandise. Any person conducting, managing or carrying on the business of leasing any merchandising machines, where merchandise is received by inserting coins or tokens, will be classified in this category and shall pay an annual business tax of:

Base fee .....\$40.00  
Plus \$0.52 per \$1,000 gross receipts

The provisions of this subsection are not applicable to any vending machines maintained and owned by the proprietor of an established place of business if the following conditions exist:

a. The machines are owned, serviced and maintained by the proprietor of an established place of business who is the holder of a business license which is issued for the place of business where the machine is maintained and operated;

b. The machine vends only tangible personal property which is owned by the proprietor.

B. Tax Rates Based Upon Number of Employees or Other Units. Every person conducting business hereinafter listed shall pay a business tax as follows:

1. General Services. All persons engaged in business of a service nature, and not specifically enumerated elsewhere in this Chapter, shall pay an annual business tax of:

Base fee .....\$75.00

Plus per owner, partner, corporate officer or employee

Each.....\$6.00

2. Professional Services.

Base fee .....\$115.00

Plus per professional employee .....\$115.00

Plus per non-professional employee .....\$6.00

3. Contractors.

a. Engineering or General Contractor .....\$160.00

Plus per non-professional employee .....\$6.00

b. Specialty Contractor.....\$110.00

Plus per employee .....\$6.00

c. It shall be the responsibility of every general building, engineering, prime contractor and owner-builder to require subcontractors under his control or direction to pay a business tax as herein provided before permitting said subcontractor to begin or perform services for said general building, engineering, prime contractor or owner-builder.

d. Every person acting as a general contractor, whether building for their own occupancy or not, shall file with the Collector, no later than fifteen (15) City business days prior to requesting a final inspection, a full, true and complete written statement, signed by such person, under penalty of perjury, listing all subcontractors who have performed or shall perform any service whatsoever for such person within the City for which a license is required under the provisions of this Chapter. Any owner-builder, general building contractor, engineering contractor, specialty contractor, or subcontractor, subcontracting any work shall be deemed a general contractor for the purpose of this Section. Said statement shall include the name, address, telephone number, business tax certificate number, state license number and specialty classification, and the Riverside start work date of each person required to be licensed. Any general contractor that fails to file a listing of subcontractors shall be liable for the fee otherwise payable by the subcontractor.

e. In order to obtain a business tax clearance at the time of issuance of a building permit, any general contractor may deposit an amount determined by the Collector, which amount shall not exceed three thousand dollars (\$3,000.00), one thousand dollars (\$1,000.00) per subcontractor for up to a maximum of three subcontractors, to be applied to the business tax due from any person who performs services on the job site for which the building permit was issued. The general contractor may, at the time of completion of the project for which the deposit was made, submit the list of subcontractors as described in subsection d, above, and upon showing of proof of payment of the business tax due and owing from all subcontractors performing services at the job site, request a refund of any deposit overpayment. In the event that the general contractor does not request a refund within 180 days from the date of issuance of a certificate of occupancy for the project, the right to any refund of the deposit shall be forfeited.

4. Recreation and Entertainment Services.

a. Amusement Center -- Permanent Fixed Location. Includes any location where

mechanical devices or animals are maintained for furnishing rides or entertainment.

First ten devices, rides, etc. -- Annual .....\$60.00

Per additional device, ride, etc. -- Annual .....\$13.00

b. Amusement Rides, Devices, Etc. -- Temporary. Includes all rides, devices, etc., not otherwise defined in Section 5.04.300B.4.c.

First ten rides, etc. -- Daily .....\$30.00

Per ride in excess of ten. -- Daily.....\$6.00

c. Carnival, Circuses, Tent Shows and Open Air Shows.

First day .....\$250.00

Each additional day.....\$125.00

d. Reserved

e. Reserved

f. Billiards or Pool.

First table at each location -- Annual .....\$55.00

Each additional table -- Annual .....\$10.00

g. Boxing, Wrestling and Other Professional Athletic Exhibitions.

Daily.....\$125.00

h. Theatrical Performance.

First day .....\$250.00

Each additional day.....\$125.00

i. Special Show, No Merchandise for Sale.

Each show -- Annual.....\$90.00

Each show -- Daily.....\$30.00

j. Special Show, With Merchandise for Sale.

Each show -- Annual.....\$180.00

Each show -- Daily.....\$60.00

k. Theaters and Shows. For every person engaged in the business of conducting a theater or show in an established place of business within a permanent building, including musical, vocal, theatrical or operatic concerts or performances, or at an established place of business constructed for theatrical purposes of the type commonly referred to and called "drive-in theater," the business tax shall be as follows:

First one hundred seats -- Annual .....\$150.00

Each additional one hundred seats or

fraction thereof -- Annual .....\$20.00

For the purpose of determining the seating capacities of "drive-in theaters," each car space shall equal two seats.

1. For each limited-time performance, activity, event or exhibit held in City-owned and City-operated facilities, a daily fee of twenty-five dollars. Said tax is imposed upon each sponsor of such events and not upon each participant or exhibitor.

Business conducted in conjunction with amusement businesses, such as eating and drinking establishments, shall be subject to additional business taxes applicable to such type of business.

5. Miscellaneous Businesses.

a. Advertising, Outdoor.

Each billboard -- Annual.....\$85.00

b. Ambulance Service.

Each vehicle -- Annual.....\$30.00

- c. Automobile Parking.
    - Minimum ten spaces -- Annual.....\$30.00
    - Each additional space in excess of ten -- Annual .....\$3.00
  - d. Laundries and Dry Cleaners, Automatic Self- Service.
    - Minimum tax -- Annual .....\$75.00
    - Plus per each machine -- Annual .....\$4.00
  - e. Shoeshine Stand.
    - Per operator -- Annual .....\$30.00
  - f. Christmas Tree Pumpkins, or other Seasonal Sales.
    - Each location, per season.....\$40.00
  - g. Vending Machines -- Game, Phonograph, Weighing, and All Other Coin-Operated Machines Not Vending Merchandise, Unless Otherwise Enumerated.
    - Each machine -- Annual.....\$30.00
  - h. Limited Time Outdoor or Indoor Events - Daily
    - Each location - operator -- Annual .....\$375.00
    - Each vendor -- Daily .....\$3.00
- (i) Includes any limited time outdoor or indoor event, other than swap meets as defined in Section 5.48.010, of one week or less, where goods are displayed and/or sold.
- (ii) Each daily vendor participating in any limited time outdoor or indoor event shall pay a tax in the amount specified in this Section. Such tax shall constitute a debt owed by the vendor to the City and shall be extinguished only by payment to the operator of the event. The vendor shall pay a tax to the operator at the time and on each day the vendor participated in the event. Each operator shall be responsible for the collection of the vendor tax and the amount of the tax shall be separately stated from any other moneys collected by the operator. The fee shall be in addition to any other license tax required by this Chapter.
- (iii) On or before the fifteenth day of the month following the close of the calendar month, each operator shall file a return with the Collector showing the total amount of the taxes collected under this Section and such other information as may be required by the Collector. At the time the return is filed, the operator shall remit the full amount of the taxes collected to the Collector. Returns and payments shall be due immediately upon cessation of business by the operator for any reason.
- (iv) Every operator shall hold all taxes collected under this Section in trust for the account of the City until payment thereof is made to the Collector.
- i. Peddlers and Salesmen -- Itinerant. For the business of peddling any goods, wares, merchandise or other things of value, not otherwise specifically certified by this Section, for each peddler, salesman,
    - or employee -- Daily .....\$30.00
- "Peddling" means and includes traveling or going from place to place or from house to house within the City and peddling, hawking, vending or selling any goods, wares or merchandise carried or caused to be carried or conveyed by or with the person peddling, hawking, vending or selling the same.
- The provisions of this subsection shall not apply to commercial travelers or agents selling goods, wares or merchandise to dealers at wholesale, to persons who use the purchased goods, wares or merchandise in the making of a product to be manufactured in the City, or to persons exempt under the interstate commerce laws.



j. Taxicabs.	
Per vehicle -- Annual .....	\$65.00
k. Auctions.	
Annual.....	\$775.00
Daily.....	\$75.00
l. Delivery by Vehicle.	
Per vehicle -- Annual .....	\$50.00
m. Swap Meets (as defined in section 5.48.010 of the Riverside Municipal Code).	
Each location -- operator -- Annual .....	\$375.00
Each vendor -- daily (except Sunday) .....	\$1.00
Each vendor -- daily (Sunday only) .....	\$2.00

The operator of each swap meet shall be responsible for the collection and payment to the City of the business tax for each vendor herein provided.

(i) Each swap meet vendor participating in a swap meet shall pay a tax in the amount specified in this Section. Such tax shall constitute a debt owed by the swap meet vendor to the City and shall be extinguished only by payment to the swap meet operator. The swap meet vendor shall pay the tax to the swap meet operator at the time and on each day the swap meet vendor participated in the swap meet. Each swap meet operator shall be responsible for the collection of the vendor tax and the amount of the tax shall be separately stated from any other moneys collected by the swap meet operator. The fee shall be in addition to any other license tax required by this Chapter.

(ii) On or before the fifteenth day of the month following the close of the calendar month, each swap meet operator shall file a return with the Collector showing the total amount of the taxes collected under this Section and such other information as may be required by the Collector. At the time the return is filed, the swap meet operator shall remit the full amount of the taxes collected to the Collector. Returns and payments shall be due immediately upon cessation of business by the swap meet operator for any reason.

(iii) Every swap meet operator shall hold all taxes collected under this Section in trust for the account of the City until payment thereof is made to the Collector.

## **Chapter 5.08**

### **Section 5.08.040 Time Restrictions on Solicitation.**

No person shall engage in any form of door to door solicitation before 8 am or after 9 pm. Further, it shall be unlawful for any person to engage in solicitation at any time of day if such time of day is clearly posted on the "no soliciting" sign posted pursuant to the sections of this Code.

## **Chapter 5.24 (Deleted in its entirety)**

## **Chapter 5.28**

### **Section 5.28.020 Definitions.**

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

"Chief of Police" means the Chief of Police of the City or the designated representative of the Chief of Police.

"City" means the City of Riverside.

"Manager" means the proprietor or other person in charge of any poolroom as herein defined.

"Pool" means any of several games played on a table, surrounded by an elastic ledge or cushions, with balls, which are impelled by cues and shall include all forms of the game known as pool, billiards or snooker.

"Poolroom" includes billiard parlor and means any building open to the public or any portion thereof set aside for, devoted to or used in connection with the playing of pool, billiards or snooker where a fee is charged which is directly or indirectly conditioned upon or related to the playing of any such game.

"Regional amusement center" means a complex located on at least ten acres devoted solely to family entertainment including amusement rides and miniature golf courses.

### **Section 5.28.035 Application--Fingerprinting--Zoning verification--Fees.**

A. Application. Any person desiring to obtain a permit for the operation of a poolroom shall first file with the Police Department an application in writing upon a form as prescribed by the Chief of Police and which shall contain at least the following:

1. The full name and signature, present residence, business name and address, and telephone numbers of the applicant.

2. Any and all maiden, fictitious or other names ever used by the applicant.

3. Prior residences and business addresses used by the applicant during the ten-year period preceding the date of the application.

4. The birth date and place of birth of the applicant.

5. The California driver's license or California identification card number or other satisfactory government issued identification number of applicant.

6. The name or names both true and fictitious and addresses of any and all persons, associations, partnerships or corporations, including officers thereof, holding an interest or involvement or managerial control in said business.

7. A statement of any and all criminal convictions except minor traffic offenses, when and where they occurred and the sentence.

8. The address of the poolroom proposed to be operated by applicant.

9. Number of tables to be operated.

10. Such other identification and information as is necessary to discover the validity of the matters specified above as required to be set forth in the application.

B. Fingerprinting. In addition to the written application as required above, the applicant,

manager, and persons referred to in Section 5.28.035(A)(6) shall personally appear at the Police Department and submit to fingerprinting and photographing for the purpose of criminal record investigation. No application will be considered without these items.

C. Zoning Verification. At the time of filing of the written application, the applicant shall submit on a form approved by the Chief of Police, written verification from the Planning Division of the City of the current zoning of the premises in which the poolroom is to be located, whether the City Zoning Code permits the operation of a poolroom thereon, and whether any permits, if necessary, have been obtained.

D. Fees. At the time of filing of each application, the applicant shall pay to the City an amount as may be set from time to time by resolution of the City Council for each location or address where applicant proposes to operate a poolroom. If the application is denied, such fee shall not be refunded.

#### **Section 5.28.040 Permit procedures.**

A. Granting of Permit. After a reasonable period of time to verify the information on the application and to conduct an investigation, the Chief of Police shall issue the permit, provided that he determines the following:

1. The application is complete and truthful;
2. The applicant, if a business entity, is an entity organized and conducted for a lawful purpose;
3. The persons interested in the business, including, but not limited to, the applicant, his or her employee, agent, partner, director, officer, or manager, has not been convicted or has not pled nolo contendere or guilty to any violation of the provisions of this chapter or any law or ordinance related to theft, fraud, gambling, controlled substances, prostitution, or other crime involving moral turpitude, or any felony within the last ten years;
4. The applicant has obtained a business tax certificate pursuant to Chapter 5.04 of this Title.

B. Denial of Permit. The Chief of Police shall deny the application if he determines one or more of the requirements set forth in Section 5.28.040(a) has not been satisfied.

C. Notification to Applicant. The Chief of Police shall notify the applicant the application has been denied or granted within ninety days of the date of filing the completed application, including fingerprints, zoning verification, and payment of filing fees. The reasons in supporting the granting or denial of the permit shall be set forth in this notification.

### **Chapter 5.40**

#### **5.40.105 Requirements for operation of non-emergency transport vehicles and services.**

Upon the issuance of a vehicle for hire permit to operate non-emergency transport vehicles and services, the permit holder shall comply with the following additional requirements:

A. Advertisements. Permit holder shall not advertise as an ambulance service or medical transport, nor shall the permit holder advertise under the ambulance or medical transport classifications in the commercial yellow pages of any telephone directory distributed in this City. Any advertising in whatever form by the permit holder shall clearly state that the permit holder does not provide “ambulance services” or “medical transport services.” Permit holder may, however, advertise as a specialized form of transportation serving the disabled, incapacitated, or persons who cannot ride in an upright position. During interfacility transports where a non-

emergency BLS patient has been downgraded by a physician to gurney van services, the patient may be transported by a franchised non-emergency ambulance company.

B. Notice to Persons. Upon receiving a request for service, the permit holder must notify each persons orally or in writing that permit holder is not an ambulance service.

C. Maintenance of Persons Log. The permit holder shall keep a permanent log of every trip made and each persons transported, whether the trip was one way or round trip. If the persons was transported on a round trip, and the destination of the second segment was not the point of origin of the first segment of the trip, then the permit holder shall state the destination of the second segment. The log shall contain the persons' name, the date and time the trip began, the persons' destination, the names of the gurney van driver and attendant, and the vehicle identification number or license plate number. The log shall state for each trip or portion thereof if the trip was interrupted or not completed, the reason for the partial trip or failure to complete the trip. Log entries shall be clearly written in permanent ink and in a bound volume with each permanently numbered. The log shall be kept for a period of three years from the period in which the log book was completed.

D. Title 22 of California Code of Regulations. The permit holder, in addition to meeting the requirements of this Chapter, shall also meet the requirements of Title 22 of the California Code of Regulations. In the case of conflict, the provisions of Title 22 shall prevail.

E. Two-Way Communications. Permit holder shall provide evidence of an operating two-way communication in each authorized vehicle in case of emergency. Communication equipment may include a two-way radio, cellular phone, or other means of two-way communication between the van and the permit holder's office and/or the 911 communications center. No non-emergency transport vehicle may be operated with a persons on board unless there is working two-way communication equipment in the vehicle.

F. Compliance With Laws. Permit holder shall comply with all federal, state, and local laws, regulations, and requirements.

G. Each gurney van while being operated with a gurney van persons shall have both a driver and attendant. The driver and attendant employed by permit holder for the gurney van service shall meet the minimum requirements as set forth in this Chapter.

H. Gurney van persons must be transported in a prone or supine position, because such persons are incapable of sitting for the period of time needed to transport.

I. Gurney van attendants shall assist in the loading and unloading of persons from the vehicle and to provide nonmedical assistance to the persons to make the ride comfortable and safe.

J. Requires specialized safety equipment over and above that normally available in persons cars, taxicabs, or other forms of normal public conveyance.

K. Does not require the specialized services, equipment, and personnel provided in an ambulance, including, but not limited to, an intravenous line or emergency medical technician, because the persons is in stable and conscious condition and does not need observation.

L. Permits the persons to get on or off the gurney without substantial assistance from the gurney van attendant.

M. Permits the persons to self-monitor the use of oxygen, if needed.

N. Exclusions. Non-emergency transport vehicles shall not be used to transport a person if any of the following conditions exist:

1. The person requires any type of continuous medical monitoring.
2. The person requires certified medical personnel at EMT-1 level or above or the presence of any nurse or licensed physician.

3. The person has trouble breathing and/or shows signs of medical distress.
4. The person is immobilized in any type of medical apparatus or equipment.
5. The person's condition has not been certified as suitable for gurney van transport in a non-emergency medical transportation vehicle by a licensed physician.
6. The person's condition is one which falls under the transportation protocols of the County EMS agency.

## **Chapter 5.46**

### **Section 5.46.040 Scope.**

Except as provided in this Chapter, no person shall conduct surface mining operations unless a Conditional Use Permit, Reclamation Plan, and financial assurances for reclamation have first been approved by the City. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City, including but not limited to, the application of CEQA, the requirement of Site Approvals or other permits, the payment of development impact fees, or the imposition of other dedications and excavations as may be permitted under the law. The provisions of this Chapter shall apply to all lands within the City, public and private.

This Chapter shall not apply to the following activities, subject to the above-referenced exceptions:

A. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.

B. Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

1. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA", Public Resources Code, Division 13, §21000 et seq.), and the City's CEQA Resolution.

2. The City's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA.

3. The approved construction project is consistent with the general plan or zoning of the site.

4. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been definitely suspended, or are no longer being actively pursued.

C. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:

1. The plant site is located on lands designed for industrial or commercial uses in the City's general plan.

2. The plant site is located on lands zoned industrial or commercial, or are contained within

a zoning category intended exclusively for industrial activities by the City.

3. None of the minerals being processed are being extracted onsite.

4. All reclamation work has been completed pursuant to the approved Reclamation Plan for any mineral extraction activities that occurred onsite after January 1, 1976.

D. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

E. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

F. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.

G. The solar evaporation of sea water or bay water for the production of salt and related minerals.

H. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

I. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection. The exemption does not apply to onsite acclamation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.

#### **Section 5.46.060 Process.**

A. Applications for a Site Approval or Reclamation Plan for surface mining or land reclamation projects shall be made under a Conditional Use Permit. Said application shall be filed in accord with this Chapter and subject to all applicable rules and regulations as outlined Title 19 (Zoning Ordinance). The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (§2772-2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Community & Economic Development Department Director. As many copies of the Site Approval application as may be required under the Conditional Use Permit shall be submitted to the Planning Division.

B. As many copies of a Reclamation Plan application as may be required shall be submitted in conjunction with all applicants for Site Approvals for surface mining operations. For surface mining operations that are exempt from a Site Approval pursuant to this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the City at one time.

C. Applications shall include all required environmental review forms and information prescribed by the Planning Division.

D. Upon completion of the environmental review procedure and filing of all documents required under the Conditional Use Permit, consideration of the Site Approval or Reclamation Plan for the proposed or existing surface mine shall be completed pursuant to the this Municipal

Code and applicable resolutions at a public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code.

E. Within thirty days of acceptance of an application for a Site Approval for surface mining operations and/or a Reclamation Plan as complete, the Planning Division shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the one hundred-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Division shall also notify the State Department of Transportation that the application has been received.

F. The Planning Division shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the City CEQA Resolution.

G. Subsequent to the appropriate environmental review, the Planning Department shall prepare a staff report with recommendations for consideration by the Planning Commission.

H. The Planning Commission shall hold at least one noticed public hearing on the Conditional Use Permit filed for the Site Approval and/or Reclamation Plan.

I. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Planning Commission shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of state law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the Reclamation Plan and financial assurance before submittal to the State Department of Conservation. If a Site Approval is being processed concurrently with the Reclamation Plan, the Planning Commission may simultaneously and conceptually approve the Site Approval. However the Planning Commission may defer action on the Site Approval until taking final action on the Reclamation Plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve Site Approval with the condition that the Planning Department shall not issue the Site Approval for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

Pursuant to PRC to §2774 (d), the State Department of Conservation shall be given thirty days to review and comment on the Reclamation Plan and forty-five days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the state for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendation and objections raised in the state's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.

J. The Planning Commission shall then take action to approve, conditionally approve, or deny the Site Approval and/or Reclamation Plan, and to approve the financial assurances pursuant to PRC §2770(d).

K. The Planning Division shall forward a copy of each approved Site Approval for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to

the State Department of Conservation. By July 1 of each year, the Planning Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Site Approval or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year.

**Section 5.46.080 Statement of responsibility.**

The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning Division in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Division for placement in the permanent record.

**Section 5.46.090 Findings for approval.**

A. Site Approvals. In addition to any findings required by this Municipal Code, Site Approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.

B. Reclamation plans. For Reclamation Plans, the following findings shall be required;

1. That the Reclamation Plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;

2. That the Reclamation Plan complies with applicable requirements of state regulations (CCR §3500-3505, and §3700-3713).

3. That the Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter and the City General Plan and any applicable resource plan or element.

4. That the Reclamation Plan has been reviewed pursuant to CEQA and the City's CEQA Resolution and all significant adverse impacts for reclamation of the surface mining operations are mitigated to the maximum extent feasible.

5. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, to that suitable off-site development will compensate for related disturbance to resource values.

6. That the Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.

7. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the City's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

**Section 5.46.100 Financial assurances.**

A. To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the City shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may post security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City and the State Mining and Geology Board as specified in state regulations, and which the City reasonably determines are adequate to perform reclamation in accordance with the surface



mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the City of Riverside and the State Department of Conservation.

B. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

C. Cost estimates for the financial assurance shall be submitted to the Planning Division for review and approval prior to the operator securing financial assurances. The Planning Division shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within forty-five days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that additional costs may be incurred. The Planning Division shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and state regulations.

D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands distributed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered professional engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Planning Division. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances.

E. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

F. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

G. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

H. Revisions to financial assurances shall be submitted to the Planning Division each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall

cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

#### **Section 5.46.110 Interim management plans.**

A. Within ninety days of a surface mining operation becoming idle, the operator shall submit to the Planning Division a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Site Approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Division, and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.

B. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.

C. Upon receipt of a complete proposed IMP, the Planning Division shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least thirty days prior to approval by the Planning Commission.

D. Within sixty days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Planning Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have thirty days, or a longer period mutually agreed upon by the operator and the Planning Director, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within sixty days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the City Council.

E. The IMP may remain in effect for a period not to exceed five years, at which time the Planning Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

#### **Section 5.46.120 Annual report requirements.**

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Planning Division on a date established by the State Department of Conservation upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

#### **Section 5.46.130 Inspections.**

The Planning Division shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Section 5.46.120, to determine whether the surface mining operation is in compliance with the approved Site Approval and/or Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered

geologist, state-registered civil engineer, state-licensed landscape architect or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve months, or other qualified specialists, as selected by the Planning Division. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The Planning Division shall notify the State Department of Conservation within thirty days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

#### **Section 5.46.140      Violations and penalties.**

If the Community & Economic Development Department Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Site Approval, any required permit and/or the Reclamation Plan, the City shall follow the procedures set forth in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of the Riverside Municipal Code for revocation and/or abandonment of a Site Approval which are not preempted by SMARA.

#### **Section 5.46.150      Appeals.**

Any person aggrieved by an act or determination of the Planning Commission in the exercise of the authority granted herein, shall have the right to appeal to the City Council, per the standards established in Title 19 Code). An appeal shall be filed on forms provided, within ten calendar days after the rendition, in writing, of the appealed decision.

#### **Chapter 5.48 (Sections 5.48.040 and 5.48.050 deleted)**

#### **Chapter 5.56 (Section 5.56 deleted)**

#### **Chapter 5.59**

#### **Section 5.59.060      Nuisance Alarms.**

The Fire Department may declare an Alarm System at a specific location to be a nuisance if such Fire Alarm System activates excessive False Fire Alarms. The City Council hereby finds and determines that three False Fire Alarms within a 365-day period is excessive and thereby constitutes a public nuisance. The Fire Department may not consider any False Fire Alarm in this computation of nuisance alarms if such was generated by earthquakes, high intensity winds, or unusual acts of nature. Nuisance alarms shall be considered that are the result of the negligence of the Fire Alarm User, the agents or employees of the Fire Alarm User or a defect in the Fire Alarm System. After six False Fire Alarms within a 365 day period, the fire alarm system will be required to be certified per Chapter 26 of NFPA 72, the National Fire Alarm Code.

## **Chapter 5.64**

### **Section 5.64.050      Sign regulations conformance.**

Any sign posted or displayed pursuant to this Chapter shall not be inconsistent with the provisions of Article 12 of Chapter 14 of Division 5 (Section 13530, et seq.) of the State Business and Professions Code or with the provisions of Title 19 of this Code regulating signs.

# Exhibit “E”

## Title 6

### Chapter 6.08

#### REGULATION OF FOOD FACILITIES

##### Sections:

<b>6.08.010</b>	<b>Definitions.</b>
<b>6.08.020</b>	<b>Grading.</b>
<b>6.08.030</b>	<b>Inspections.</b>
<b>6.08.040</b>	<b>Permits.</b>
<b>6.08.050</b>	<b>Criminal penalties.</b>
<b>6.08.060</b>	<b>Public nuisance declaration.</b>
<b>6.08.070</b>	<b>Civil penalties.</b>
<b>6.08.080</b>	<b>Right of inspection.</b>
<b>6.08.090</b>	<b>Severability.</b>

##### **Section 6.08.010 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Chapter:

A. "Food Facilities" shall mean a food facility as defined in Section 113789 of the California Health and Safety Code. These are commonly referred to as restaurants, markets, delis, cafeterias, mobile food facilities, mobile support units, vending machines, and certified farmers' markets. This definition also includes commercial food establishments.

B. "Enforcement Officer" shall mean the Riverside County Director of the Department of Environmental Health and his or her duly authorized Environmental Health Specialists.

C. "Food Preparation" shall mean food preparation as defined in Section 113791 of the California Health and Safety Code.

D. "Official Inspection Form" shall mean the form provided by the Riverside County Department of Environmental Health.

E. "Permanent Food Facility" shall mean any food facility as defined by California Health and Safety Code section 113849.

##### **Section 6.08.020 Grading.**

A. All Permanent Food Facilities shall be inspected and graded uniformly using an official form. The grade of each food establishment shall be determined by the Enforcement Officer using the scoring method provided on the Official Inspection Form. The grade of each food establishment shall be evidenced by the posting of a Grade Card bearing the letter, "A", "B" or "C".

1. The letter "A" shall indicate a score of ninety percent or higher, and indicates that the Permanent Food Facility passed the inspection by meeting those minimum health standards as set forth by the State of California in the California Health and Safety Code, Sections 113700, et seq.,

and interpreted by the Enforcement Officer. Grade "A" Cards shall be printed in blue on High-Impact White Styrene Plastic.

2. The letter "B" shall indicate a score of less than ninety percent, but not less than eighty percent, and indicates that the Permanent Food Facility has not passed the inspection and does not meet minimum health standards. Grade "B" Cards shall be printed in green on High-Impact White Styrene Plastic.

3. The letter "C" shall indicate a score of less than eighty percent, and indicates that the Permanent Food Facility has failed the inspection and has conditions existing which may pose a potential or actual threat to public health and safety. The facility may also be ordered closed, with its permit being suspended or revoked by the Enforcement Officer. Grade "C" Cards shall be printed in red on High-Impact White Styrene Plastic.

B. The Grade Card shall be provided by the Enforcement Officer and shall be nine inches by eleven inches in size. The grade letter shall not be more than five inches in height.

C. The Grade Card shall be posted in a conspicuous place selected by the Enforcement Officer, at or near each entrance to the food establishment used by its patrons, and shall be removed only by the Enforcement Officer.

D. It shall be unlawful to operate a food establishment unless the Grade Card is in place as posted by the Enforcement Officer.

E. Private schools and public schools shall be required to post a Grade Card.

F. Permanent Food Facilities which are not engaged in food preparation shall not be required to post a Grade Card.

#### **Section 6.08.030      Inspections.**

A. The Enforcement Officer shall inspect each Food Facility at regular intervals. All Food Facilities shall comply with those requirements set forth in the California Retail Food Code, as amended and appearing in California Health and Safety Code Sections 113700, et seq.

B. A signed copy of the official Inspection Form shall be delivered to the owner, operator, or person in charge of the Food Facility who shall sign in receipt thereof.

C. Any Permanent Food Facility that has received a "B" or "C" grade shall receive a reinspection within five working days of the initial inspection, or as otherwise arranged with the facility operator, to assure that the violations have been corrected. The Grade "B" or "C" shall remain posted at the Permanent Food Facility, indicating to the public that the particular Permanent Food Facility failed to maintain minimum health standards during its most recent routine inspection performed by the Department of Environmental Health.

D. If, after a reinspection of the Permanent Food Facility, the score is not ninety percent or higher, any or all of the following legal actions may ensue:

1. Administrative hearing offered for the suspension or revocation of the permit pursuant to Health and Safety Code Sections 114405, et seq.

2. Issuance of a citation.

3. Initiation of civil, criminal or other legal proceedings.

E. Notwithstanding the foregoing, the Enforcement Officer may order immediate closure of a Food Facility pursuant to Health and Safety Code Section 114409 whenever the Officer reasonably believes the facility or establishment to present an immediate danger to the public health or safety.

F. Any reinspections following legal actions, other than one reinspection following an initial administrative hearing, will result in the operator being charged an hourly on-site fee.

**Section 6.08.040      Permits.**

No person shall operate a Food Facility without holding a valid permit issued by the Department of Environmental Health. Application for a permit shall be made to the Department of Environmental Health upon a form provided by the Department, and shall be accompanied by a fee as established by resolution of the Riverside County Ordinance No. 640. A permit shall be valid for not more than one year.

**Section 6.08.080      Right of inspection.**

Pursuant to California Health and Safety Code Section 114390, the Enforcement Officer shall have the right to inspect any Food Facility, or any facility suspected of being a Food Facility, at any reasonable time. If inspection is refused, the permit may be suspended or revoked, and/or the owner or operator shall be guilty of an infraction or misdemeanor offense.

**Chapter 6.09****REGULATION OF FOOD HANDLERS****Sections:**

- 6.09.010      Purpose and intent.**
- 6.09.020      Definitions.**
- 6.09.030      Food Handler Certificate required.**
- 6.09.040      Exemption.**
- 6.09.050      Application for Food Handler Certificate.**
- 6.09.060      Qualification for Food Handler Certificate.**
- 6.09.070      Issuance of Food Handler Certificate.**
- 6.09.080      Duplicate Food Handler Certificate.**
- 6.09.090      Revocation of Food Handler Certificate.**
- 6.09.100      Appeal.**
- 6.09.110      Display of Food Handler Certificate.**
- 6.09.120      Violation.**

**Section 6.09.010      Purpose and intent.**

It is the purpose and intent of this Chapter to attain a uniform standard by requiring all food handlers in the City to demonstrate through process of examination that they possess an adequate knowledge of the health and safety principles and practices within the food industry.

**Section 6.09.020      Definitions.**

As used in this Chapter, the following words and phrases shall have the following meanings:

A. "Food Handler Certificate" shall mean a statement issued by the County of Riverside Department of Environmental Health certifying that a person has satisfactorily demonstrated his or her competency in food safety principles and practices.

B. "Food Handler Manual" shall mean the manual prepared and distributed to food handlers by the County of Riverside Department of Environmental Health that describes acceptable procedures and safe and healthy practices as it pertains to the retail food service industry, or any other format of training as approved by the Department.

C. "Department" shall mean the Riverside County Department of Environmental Health, its Director or his/her designated representative.

**Section 6.09.030 Food Handler Certificate required.**

No person shall engage in any work, occupation or employment which requires the handling of any food, liquor or material intended for human consumption or the handling of any dishes or other articles used in the preparation or service of food or drink for human consumption, who does not hold or produce a Food Handler Certificate as required by this Chapter within seven days after engaging or serving in such work, occupation or employment. No owner, manager or agent of such owner, or person in charge of any establishment or business shall retain in the employ thereof for the performance of such services, any person who does not hold and produce a Food Handler Certificate as required by this Chapter within seven days of commencing work as a food.

**Section 6.09.040 Exemption.**

Any person who engages or serves or seeks employment relating to domestic or household work or to temporary, occasional or intermittent functions of bona fide not for-profit organizations, or students in public or private schools under the age of sixteen engaged in school food operations, shall be exempt from the provisions of Section 6.09.030 of this Code.

**Section 6.09.050 Application for Food Handler Certificate.**

Any person who is engaged or intends to engage in an occupation or employment for which a Food Handler Certificate is required by Section 6.09.030 of this Chapter shall file with the County of Riverside Department of Environmental Health an application for such certificate or a renewal thereof in such form as the County of Riverside Department of Environmental Health may require. The application shall be accompanied by a nonrefundable fee of listed in Riverside County Ordinance No. 640, and a valid photo identification.

**Section 6.09.060 Qualification for Food Handler Certificate.**

To qualify for the issuance or renewal of a Food Handler Certificate as required by Section 6.09.030 of this Code, the applicant shall have demonstrated his or her knowledge of acceptable practices in the sanitary preparation, service, storage, distribution and sale of food and beverages and the proper sanitation of equipment and facilities. Such demonstration of knowledge shall be by satisfactorily passing an examination conducted by the County of Riverside Department of Environmental Health on those subjects listed above and based on the practices and procedures set forth in the Food Handler training materials. A copy of the latest edition of the food handler training materials shall be made available by the County of Riverside Department of Environmental Health to those persons applying for a Food Handler Certificate or renewal.

**Section 6.09.070 Issuance of Food Handler Certificate.**

When qualified pursuant to Section 6.09.060, the applicant shall be issued a Food Handler Certificate containing the following information: certificate number, name, expiration date and attesting signature. Such certificate shall expire at the end of the month that occurs two years after



the date it was issued.

**Section 6.09.080 Duplicate Food Handler Certificate.**

A Duplicate Food Handler Certificate, may be issued by the County of Riverside Department of Environmental Health with valid photo identification and payment of appropriate fees as outlined in Riverside County Ordinance No. 640. Duplicate certificates are also available with payment of the online fee at no additional cost.

**Section 6.09.090 Revocation of Food Handler Certificate.**

The Food Handler Certificate may be revoked by the County of Riverside Department of Environmental Health upon evidence indicating repeated or continuing violations of accepted practices and procedures in the preparation, service, storage, distribution, or sale of food or beverages, lack of ability to demonstrate knowledge of these practices and procedures, or upon evidence indicating falsification of information required for issuance of such certificate.

**Section 6.09.100 Appeal.**

Any person who has an application for a Food Handler Certificate denied or revoked by the County of Riverside Department of Environmental Health may appeal such denial or revocation by filing a written notice of appeal with the Riverside County Department of Environmental Health, within ten days after the date of denial or revocation. A written notice of appeal should briefly set forth the reasons why such denial or revocation is not proper. The Riverside County Department of Environmental Health shall give notice of the time and place of the hearing to the appellant.

Such appeal shall be heard by a hearing officer who may affirm, amend or reverse the decision or take such other action as it deems appropriate. In conducting the hearing, the hearing officer shall not be limited by the technical rules of evidence.

**Section 6.09.110 Display of Food Handler Certificate.**

Any person required to have a Food Handler Certificate shall immediately submit such certificate to his or her employer. It shall be the duty of every employer to keep on continuous display at the place of employment the Food Handler Certificate of all persons employed or therein so they may be viewed by the Riverside County Department of Environmental Health at inspections. A current list of all employees shall also be provided when requested by the Riverside County Department of Environmental Health. Upon termination of employment, each unexpired certificate shall be returned to the employee.

**Section 6.09.120 Violation.**

The remedies provided by this Code are cumulative and in addition to any other remedies available at law or in equity.

**A. ADMINISTRATIVE CITATIONS AND PENALTIES.**

In addition to the remedies and penalties contained in this Code, and in accordance with Government Code Section 53069.4, an enforcement officer may issue an administrative citation for any violation of this Code. The following procedures shall govern the imposition, enforcement, collection and administrative review of administrative citations and penalties.

1. Content of Citation. The administrative citation shall be issued on a form approved by Riverside County Counsel and shall at a minimum contain the following information:

- i. Date, location and approximate time the violation was observed.
- ii. The code section violated and a brief description of the violation.
- iii. The amount of the administrative penalty imposed for the violation.
- iv. Instructions for the payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within this time period.
- v. Instructions on how to appeal the citation.
- vi. The signature of the enforcement officer.
- vii. The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

2. Service of Citation.

- i. If the proprietor, owner, employee, certificate holder, agent, occupant or other person who has violated the Code is present at the scene of the violation, the enforcement officer shall attempt to obtain their signature on the administrative citation and shall deliver a copy of the administrative citation to them.
- ii. If the proprietor, owner, employee, certificate holder, agent, occupant or other person who has violated the Code is a business, and the business owner is on the premises, the enforcement officer shall attempt to deliver the administrative citation to the business owner or proprietor. If the enforcement officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or other supervising employee of the business.
- iii. If no one can be located at the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner of the business, occupant and/or other person who has violated the Code.
- iv. The failure of any interested person to receive the citation shall not affect the validity of the proceedings.

3. Administrative Penalties.

- i. The penalties assessed for each violation shall not exceed the following amounts:
  - a) \$100.00 for a first violation;
  - b) \$200.00 for a second violation of this Code within one (1) year from the date of the first violation; and
  - c) \$500.00 for each additional violation of this Code within one (1) year from the date of the first violation.
- ii. If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.
- iii. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
- iv. The penalties assessed shall be payable to the County of Riverside

Department of Environmental Health.

4. Administrative Appeal

- i. Notice of Appeal. The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the Riverside County Department of Environmental Health. The written notice of appeal must be filed within twenty (20) days of the service of the administrative citation as set forth in Section 12.a.2. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on the Administrative Citation Appeal forms, that are available at all Environmental Health offices, and shall be accompanied by payment of the full penalty assessment, and shall contain the following information:
  - a) A brief statement setting forth the appellants interest in the proceedings;
  - b) A brief statement of the material facts which the appellant claims supports their contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
  - c) An address at which the appellant agrees notice of any additional proceeding or an order relating to the imposition of the administrative penalty may be received by mail.
  - d) The notice of appeal must be signed, under penalty of perjury, by the appellant.
- ii. Administrative Hearing. Upon a timely written request by the recipient of the administrative citation, an administrative hearing shall be held as follows:
  - a) Notice of Hearing. Notice of the administrative hearing shall be given at least ten (10) days before the hearing to the person requesting the hearing. The notice may be delivered to the person or may be mailed to the address listed in the notice of appeal.
  - b) Hearing Officer. The administrative hearing shall be held before the Director of the Department of Environmental Health or his/her designee. The hearing officer shall not be the enforcement officer who issued the administrative citation or said enforcement officer's immediate supervisor. The Department may contract with a qualified provider to conduct administrative hearings or to process administrative citations.
  - c) Conduct of the Hearing. The Enforcement Officer who issued the administrative citation shall not be required to, but may, participate in the administrative hearing. The contents of the enforcement officer's file in the case shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal fails to appear at the administrative hearing, the hearing officer shall make his or her determination based on the information contained in the notice of appeal and the Enforcement Officer's file.

d) Hearing Officer's Decision. The hearing officer, based upon the evidence submitted, shall either dismiss or uphold the citation. The citation recipient shall receive a refund of the full penalty assessment if the citation is dismissed. The hearing officer's decision following the administrative hearing shall be personally delivered to the person requesting the hearing or sent by first class mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full. The hearing officer's decision shall contain instructions for obtaining review of the decision by the superior court.

5. Review of Administrative Hearing Officer's Decision.

- i. Notice of Appeal. Within twenty (20) days of the date of the delivery or mailing of the hearing officer's decision, a person may contest that decision by filing an appeal to be heard by the Superior Court. The failure to file the written appeal and to pay the court filing fee within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. A copy of the notice of appeal shall be served in person or by first class mail upon the issuing agency by the contestant.
- ii. Conduct of Hearing. The conduct of the appeal is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court. The appeal shall be heard de novo, except that the contents of the issuing agency's file in the case shall be received in evidence. A copy of the document or instrument of the issuing agency providing notice of the violation and imposition of the administrative penalty shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the issuing agency's file on the case be forwarded to the court, to be received within fifteen (15) days of the request.
- iii. Judgment. The court shall retain the court's filing fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fine or penalty shall be reimbursed to the contestant by the local agency. Any deposit of the fine or penalty shall be refunded by the issuing agency in accordance with the judgment of the court. If the fine or penalty has not been deposited and the decision of the court is against the contestant, the issuing agency may proceed to collect the penalty pursuant to the procedures set forth in this Ordinance, or in any other manner provided by law.

## **Chapter 6.10**

### **Section 6.10.020 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Chapter:

A. "Enforcement Officer" shall mean the Riverside County Director of the Department of Environmental Health and his or her duly authorized Environmental Health Specialists.

B. "Hearing Officer" shall mean the Riverside County Director of Environmental Health's designee authorized to conduct hearings for the suspension or revocation of a permit issued under this Chapter.

C. "Official Inspection Form" shall mean the form provided by the Riverside County Department of Environmental Health.

D. "Pool" or "Pool Facility", as used in this Chapter, shall mean swimming pool, pool, wading pool, special use pool, temporary training pool or spa pool, as defined in Section 2 of this ordinance.

E. "Public pool" applies to all those pool or pool facilities listed in Section 65503 of the California Code of Regulations Title 22. Only private pools maintained by an individual for the use of family and friends are exempt from provisions of this Chapter.

F. "Spa Pool" or "Spa" shall mean a pool as defined by Section 65501(f) of the California Code of Regulations Title 22, and means a pool, not used under medical supervision, that contains water of elevated temperature, and incorporates a water jet system, an aeration system or a combination of the two systems.

G. "Special Use Pools" shall mean a pool as defined by Section 65501(c) of the California Code of Regulations, Title 22, and means pools designed and used exclusively for a single purpose such as wading, instruction, diving, competition or medical treatment where a licensed professional in the healing arts is in attendance.

H. "Swimming Pool" or "Pool" shall mean a pool as defined in Section 65501(a) of the California Code of Regulations Title 22, and means an artificial basin, chamber or tank used, or intended to be used, for public swimming, wading, diving, or recreative bathing, but does not include baths where the main purpose is the cleaning of the body, nor individual therapeutic tubs which are drained and sanitized between each use.

I. "Wading Pool" shall mean a pool as defined by Section 65501(b) of the California Code of Regulations Title 22, and means an artificial basin, chamber or tank used, or intended to be used, for wading by small children and having a maximum depth of not to exceed forty-six centimeters (eighteen inches) at the deepest point and no more than thirty centimeters (twelve inches) at the side walls.

#### **Section 6.10.060      Records.**

A daily record of the operation of the pool shall be kept by the owner or operator. These records shall be available at the pool facility for review by the enforcement officer upon request.

### **Chapter 6.11**

#### **Section 6.11.030      Classification of Nuisances.**

The following acts and conditions, when performed or existing upon any lot or parcel within the City, are declared to be unlawful and are defined as and declared to be public nuisances per se that are injurious to the public health, safety, and welfare:

A. Buildings or structures that are under construction or rehabilitation and are not completed during the term of a valid building permit or building permit extension issued by the Community & Economic Development Department Director, the Building Official, or their designees.

B. Unoccupied buildings or structures that have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements.

C. Buildings or structures for human use or occupancy that have been left vacant for more than one hundred and eighty (180) days, unless one of the following applies:

1. The building or structure is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

2. The building or structure complies with all codes adopted by the City, does not otherwise constitute a public nuisance, is ready for use or occupancy and is actively being offered for sale, lease or rent.

3. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and monitored. Actively maintained and monitored means the owner is doing the following:

(a) Maintaining landscaping and plant materials that comply with the Riverside Municipal Code Chapter 6.14, Section 6.14.020. in good condition.

(b) Maintaining the exterior of the building or structure, including, but not limited to, its paint and finishes, windows and doors, fences and walls, porches and patios.

(c) Maintaining the interior of the building or structure free from litter, junk, trash, and debris.

(d) Maintaining the exterior free of trash, debris and graffiti;

(e) Maintaining of the building or structure in continuous compliance with all applicable codes and regulations, including Health and Safety Code section 17920.3 and California Fire Code section 311.1 through 311.5.5.

(f) Preventing criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity.

## **Chapter 6.11**

### **Section 6.11.060      Continuous Public Nuisance.**

Notwithstanding the assessment of administrative civil penalties or any other code enforcement remedy, any building which remains vacant for more than one hundred and eighty (180) days is hereby declared to be a permanent public nuisance per se.

Except as provided in Section 6.11.030C, if such building remains vacant for more than one hundred and eighty (180) days, constituting a nuisance as defined in this chapter, the Community & Economic Development Department Director, or his or her designees, shall declare the building to be a permanent public nuisance and seek abatement of such continuous public nuisance pursuant to the procedures set forth in Chapter 6.15 and in compliance with all other applicable provisions of the Riverside Municipal Code.

## **Chapter 6.14**

### **Section 6.14.020      Landscape maintenance.**

A. It shall be unlawful for any person owning or having possession or control of any property subject to the provisions of Title 19 of this Code for which landscaping standards or

requirements were established by the Zoning Administrator or Planning Commission to fail to maintain such landscaping that is visible from the public right-of-way in accordance with such conditions of approval imposed thereon and generally recognized horticultural standards.

B. It shall be unlawful for any owner and/or occupant of any property visible from the public right-of-way and used for commercial, office, industrial or residential purposes to:

1. Allow or permit on such property overgrown vegetation including trees, shrubbery, ground covers, lawns and other plantings.

2. Allow or permit on such property dead, decayed or diseased trees, shrubs, or other vegetation.

3. Fail to provide and properly maintain landscaping in required yard areas not covered by buildings, related structures, and driveways in a residential zone; provided, however, consideration shall be given to the uses permitted in the underlying residential zone. Landscaping is grass, trees, plants, shrubs, flowers, or permitted decorative bark and decorative stones.

4. Fail to provide and properly maintain landscaping in required landscape areas on property zoned for commercial or industrial use. Landscaping on commercial and industrial properties cannot be decorative bark, concrete, or rock unless prior approval in writing is obtained from the Community & Economic Development Department Director or his or her designee or unless approved in accord with Title 19.

C. It shall be unlawful for any person owning or having possession or control of any property to maintain such property in violation of the following minimal standards:

1. Landscaped areas shall be kept free from weeds and debris;

2. All plant materials shall receive regular maintenance, including but not limited to, watering, fertilizing, mowing, and trimming;

3. Any damaged, dead, diseased, or decaying plant materials shall be removed and replaced;

4. Irrigation systems shall be kept in proper working order to provide proper amounts of water and proper coverage; and

5. Landscape screening materials, such as hedges, shall be pruned to maintain their screening ability.

D. Owners and/or occupants of properties fronting on, or adjacent to, any portion of a street shall comply with the provisions of this section 6.14.020 as well as Chapter 13.06 for any landscaping along the street or within the street right-of-way adjacent to their property, fronting on, or adjacent to, any portion of the street, that includes the care of public or private parkways.

E. Nothing in this section shall be interpreted to require removal of biological resources as described in the Western Riverside County Multi-Species Habitat Conservation Plan.

F. Enforcement of landscape maintenance shall consider applicable water shortage contingency stages declared by Resolution of the City Council and shall be subject to section 6.14.040.

## **Chapter 6.15**

### **Section 6.15.015 Definitions.**

For the purpose of this Chapter the following words and phrases shall have the meanings given herein:

"Abandoned vehicle" means a physically inoperable vehicle.

"Abatement" means the demolition, removal, repair, maintenance, construction, reconstruction, replacement, or reconditioning of structures, appliances or equipment; or the removal, transportation, disposal and treatment of waste and abandoned materials and equipment capable of harboring, breeding, or attracting rodents or insects or producing odors or blight.

"Agricultural groves" means any grove of ten or more trees on a parcel or lot.

"Attractive nuisance" means any condition, instrumentality, or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril which exists, and which may reasonably be expected to attract young children to the premises and risk injury by playing with, in, or on it. Attractive nuisances may include, but shall not be limited to:

1. Abandoned and/or broken equipment;
2. Swimming pools being used as fish ponds or other uses contrary to permitted swimming or other pool uses, subject to state or local regulations requiring, without limitation, that drains be visible from the water's surface and that the water be filtered;
3. Hazardous and/or unmaintained pools, ponds, culverts, excavations; and
4. Neglected machinery.

"Building" means any structure including, but not limited to any house, garage, duplex, apartment, condominium, stock cooperative, mobile home, or other residential structure or any portion thereof, which is designed, built, rented or leased to be occupied or otherwise is intended for supporting or sheltering any use or occupancy, and any commercial, industrial, or other establishment, warehouse, kiosk, or other structures affixed to or upon real property, used for the purpose of conducting a business, storage or other activity.

"Construction material" means any discarded material from the building or destruction of structures, road and bridges including concrete, rocks, asphalt, plasterboard, wood and other related material.

"Code Enforcement Manager" shall mean the Code Enforcement Manager, Code Enforcement Division of the Community & Economic Development Department for the City of Riverside.

"Excavation" means any wells, shafts, basements, cesspools, septic tanks, fish ponds, and other like or similar conditions more than six inches in diameter and three feet in depth.

"Foul" means very offensive to the senses.

"Garbage" means any putrescible animal, fish, fowl, food, fruit, or vegetable matter resulting from the cultivation, preparation, storage, handling, decay or consumption of the substance.

"Hazardous materials and waste" means any chemical, compound, mixture, substance or article which is identified or listed by the United States Environmental Protection Agency or appropriate agency of the State of California as a "hazardous waste" as defined in 40 C.F.R. §§§§ 261.1 through 261.33, except that for purposes of this Chapter, hazardous waste also shall include household waste as defined in 40 C.F.R. 261.4(B)(1).

"Hearing Officer" means the individual appointed by the City Manager of the City of Riverside to hear the appeal on a determination of the existence of a nuisance.

"Inoperable vehicle" means mechanically incapable of being driven or prohibited from being operated on a public street or highway pursuant to Vehicle Code Sections 4000, 5202, 24002, 40001, concerning license plates, registration, equipment, safety and related matters.



"Noxious" means hurtful or unwholesome.

"Odor" means any smell, scent, or fragrance.

"Owner" means any person, agent, firm or corporation having legal or equitable interest in the property.

"Premises" means any lot or parcel of land upon which a building is situated, including any portion thereof improved or unimproved, and adjacent streets, sidewalks, parkways and parking areas.

"Property" means any lot or parcel of land, including any alley, sidewalk, parkway or unimproved public easement.

"Refuse" means any putrescible and nonputrescible solid waste, except sewerage, whether combustible or noncombustible and includes garbage and rubbish.

"Stagnant water": Water which is allowed to become stagnant contained in ditches, pools, ponds, streams excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, tires, boxes, bottles, tubs, buckets, roof gutters, tanks of flush closets, reservoirs, vessels, receptacles of any kind or other containers or devices which may hold water.

"Unmerchantable" means unsalable.

"Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a highway, or upon water, excepting a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.

"Violator" means any responsible party, including the landowner, or lessee, tenant, or any other person who had possession or custody of the property.

"Waste matter" means any rubbish or construction material.

"Weeds" means useless and troublesome plants generally accepted as having no value and frequently of uncontrolled growth.

#### **Section 6.15.021      Summary Abatement.**

In cases of manifest public danger and/or immediate necessity, the Building Official or the Code Enforcement Manager, or their designees, shall have the authority to immediately call a contractor to abate any public nuisance, which presents an immediate threat to public health or safety, at the sole discretion of the Code Enforcement Manager, Building Official, or their designees. Any such abatement activity may be conducted without observance of any notice requirements described in this Chapter. The City may recover all abatement costs as set forth in this Chapter.

# **Exhibit “F”**

## **Title 7**

### **Chapter 7.15**

#### **Section 7.15.005      Administration and enforcement.**

A. The noise regulation shall be enforced by the Code Enforcement Division of the Community & Economic Development Department and/or the Riverside Police Department.

B. It shall be the responsibility of the Code Enforcement Division and/or the Riverside Police Department to enforce the provisions of this Title and to perform all other functions required by this Title. Such duties shall include, but not be limited to investigating potential violations, issuing warning notices and citations, and providing evidence to the City Attorney for legal action.

C. A violation of these regulations may be prosecuted as a misdemeanor or as an infraction. Each day a violation occurs shall constitute a separate offense and shall be punishable as such. However, nothing in these regulations shall prevent any code compliance officer or his duly authorized representatives from efforts to obtain voluntary compliance by way of warning, notice or education.

### **Chapter 7.35**

#### **Section 7.35.010      General noise regulations.**

A. Notwithstanding the sound level meter standards described in this ordinance, it is nonetheless unlawful for any person to make, continue, or cause to be made or continued any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity. The factors which should be considered in determining whether a violation of this section exists, include the following:

1. The sound level of the objectionable noise.
2. The sound level of the ambient noise.
3. The proximity of the noise to residential sleeping facilities.
4. The zoning of the area.
5. The population density of the area.
6. The time of day or night.
7. The duration of the noise.
8. Whether the noise is recurrent, intermittent, or constant.
9. Whether the noise is produced by a commercial or noncommercial activity.
10. Whether the nature of the noise is usual or unusual.
11. Whether the noise is natural or unnatural.

B. It is unlawful for any person to make, continue, or cause to be made or continued any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity. The following acts, among others, are declared to be disturbing, excessive and offensive noises in violation of this section:

1. Radios, Television Sets, Musical Instruments and similar stationary or mobile devices: Operating, playing or permitting the operation or playing of any radio, television set, audio equipment, drum, musical instrument, or similar device which produces or reproduces sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents or persons of normal sensitivity. The operation of any such set, instrument, audio equipment, television set, machine or similar device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this section.

2. Loud Speakers (Amplified Sound): Using, or operating, or permitting to be used or operated, for any purpose, any loud speaker, loudspeaker system, or similar device between the hours of 10:00 p.m. and 7:00 a.m. such that the sound therefrom creates a noise disturbance across a residential property line, or at any time exceeds the maximum permitted noise level for the underlying land use category, except for any non-commercial public speaking, public assembly or other activity for which a variance has been issued.

3. Animals and Birds: Owning, possessing, or permitting to be harbored any animal or bird which frequently or for a continued duration howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential or commercial property line.

4. Loading and Unloading: Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects, or permitting these activities between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential property line or at any time exceeds the maximum permitted noise level for the underlying land use category.

5. Construction: Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, grading or demolition work between the hours of 7:00 p.m. and 7:00 a.m. on week days and between 5:00 p.m. and 8:00 a.m. on Saturdays or at any time on Sunday or federal holidays.

6. Domestic Power Tools: Operating or permitting the operation of any mechanically powered saw, sander, drill grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial property line. Any motor, machinery, pump, compressor, generator etc., shall be sufficiently muffled and maintained so as not to create a noise disturbance.

7. Powered Model Vehicles: Operating or permitting the operation of powered model vehicles between the hours of 10:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial property line or at any time exceeds the maximum permitted noise level for the underlying land use category.

8. Stationary Non-emergency Signaling Devices: Sounding, or permitting the sounding of any signal from any stationary bell, chime, siren, whistle, or similar device intended primarily for non-emergency purposes, from any place, for more than 10 seconds in any hourly period. Houses of worship and the Mission Inn carillons shall be exempt from the operation of this provision. Sound sources covered by this provision and not exempted under this subsection may be exempted by a variance.

9. Emergency Signaling Devices: The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing. Testing of a stationary

emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall only use the minimum cycle test time. In no case shall the test time exceed 10 seconds or occur more than once each calendar month.

10. Vehicle, Motorcycle, Motorboat or Aircraft Repair and Testing: Repairing, rebuilding, modifying or testing any motor vehicle, motorboat or aircraft, or permitting any these activities, in such a manner as to create a noise disturbance across a residential property line, or at any time exceeds the maximum permitted noise level for the underlying land use category shall not be permitted except where said activities are directly related to officially sanctioned events. underlying land use category.

11. For other than noise sources identified in 1-10 above, the following noise disturbance shall be prohibited:

- a. Plainly audible across property boundaries;
- b. Plainly audible through partitions common to two residences within a building;
- c. Plainly audible at a distance of 50 feet in any direction from the source of music or sound between the hours of 7:00 a.m. and 10:00 p.m.; or
- d. Plainly audible at a distance of 25 feet in any direction from the source of music or sound between the hours of 10:00 p.m. and 7:00 a.m.

#### **Section 7.35.020 Exemptions.**

The following activities shall be exempt from the provisions of this title:

A. Emergency Work. The provisions of this Title shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work.

B. Entertainment Events. The provisions of this Title shall not apply to those reasonable sounds emanating from authorized school bands, school athletic and school entertainment events and occasional public and private outdoor or indoor gatherings, public dances, shows, bands, sporting and entertainment events conducted between the hours of 7:00 a.m. and 10:00 p.m.

C. Federal or State Preempted Activities. The provisions of this Chapter shall not apply to any other activity the noise level of which is regulated by state or federal law.

D. Minor Maintenance to Residential Property. The provisions of this Title shall not apply to noise sources associated with minor maintenance to property used for residential purposes, provided the activities take place between the hours of 7:00 a.m. and 10:00 p.m.

E. Right-Of-Way Construction. The provisions of this Title shall not apply to any work performed in the City right-of-ways when, in the opinion of the Public Works Director or his designee, such work will create traffic congestion and/or hazardous or unsafe conditions.

F. Public Health, Welfare and Safety Activities. The provisions of this Title shall not apply to construction maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including but not limited to, trash collection, street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc.

G. Noise sources associated with construction, repair, remodeling, or grading of any

real property; provided a permit has been obtained from the City as required; and provided said activities do not take place between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, between the hours of 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sunday or a federal holiday.

## **Chapter 7.40**

### **Section 7.40.010 Variance procedure.**

A. The Zoning Administrator is authorized to grant variances for exemption from any provision of this title, and may limit area of applicability, noise levels, time limits, and other terms and conditions determined appropriate to protect the public health, safety, and welfare. The provisions of this section shall in no way affect the duty to obtain any permit or license required by law for such activities.

B. Any person seeking a variance pursuant to this section shall file an application with the Zoning Administrator. The application shall be signed by the property owner or owner's representative using forms supplied by the Community & Economic Development Department - Planning Division. The application shall contain information which demonstrates that bringing the source of the sound or activity into compliance with this title would constitute an unreasonable hardship to the applicant, the community, or other persons. The Zoning Administrator may require additional information if it is necessary to make a determination regarding the variance request. The application shall be accompanied by a fee established by resolution of the City Council.

C. A separate application shall be filed for each noise source; provided, however, several mobile sources under common ownership or several fixed sources on a single property may be combined into one application. Any person who claims to be adversely affected by the allowance of the variance may file a statement with the Zoning Administrator containing any information to support his claim. If the Zoning Administrator determines that a sufficient controversy exists regarding a variance application, the variance may be set for public hearing before the Planning Commission.

D. Public notice of the consideration of a proposed variance from the standards of this chapter shall be provided by the Zoning Administrator by mailing such notice to property owners within three hundred feet of the exterior boundaries of the property under consideration. The notice shall invite interested persons to notify the Planning Division of any concerns or comments within ten days of the date of the notice.

E. In determining whether to grant or deny the application, the Zoning Administrator or the Planning Commission shall consider comments received from property owners within three hundred feet, hardship on the applicant, the community, or other persons affected and property affected and any other adverse impacts. The requested variance may be granted in whole or in part and upon such terms and conditions as it deems necessary if, from the facts presented on the application, the Zoning Administrator or the Planning Commission finds that:

1. The strict application of the provisions of this title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of this title;

2. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood;

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located;

4. The granting of such variance will not be contrary to the objectives of any part of the adopted General Plan.

F. A variance shall be granted by a notice to the applicant containing all the necessary conditions, including any time limits on the permitted activity. The variance shall not become effective until all the conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this chapter for which the variance was granted.

G. A variance shall be valid for a period not exceeding one year after the date on which it was granted. Applications for extensions of the time limits specified in variances or for the modification of other substantial conditions shall be treated like applications for initial variances.

H. In the event the Zoning Administrator does not approve an application for a variance within ten days after the application is filed it shall be placed on the agenda of the next regularly scheduled Planning Commission, unless the Commission refers the matter to the City Council.

# Exhibit “G”

## Title 18

### Chapter 18.020

#### **Section 18.020.010 Purpose.**

The purpose of this Subdivision Code is to regulate and control the design and improvement of subdivisions in order to achieve the following purposes:

- A. To assist in implementing the Riverside General Plan adopted by the City Council as a long-range, general comprehensive guide to the physical development of the City;
- B. To provide lots of sufficient size and appropriate design for the purposes for which they are to be used;
- C. To provide streets of adequate capacity and design for the traffic that will utilize them and to ensure maximum safety for pedestrians and vehicles;
- D. To provide sidewalks or pedestrian ways where needed for the safety and convenience of pedestrians;
- E. To preserve the natural assets of the City's setting, to prevent the indiscriminate clearing of property and the destruction of trees and shrubs and other desirable landscape features, to ensure adequate access to each building site, and to create new beauty and safeguard the public safety and welfare through skilled subdivision design;
- F. To provide adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for the public health, safety and convenience;
- G. To provide adequate sites for other public facilities needed to serve the residents of the new developments;
- H. To ensure that the costs of providing land for streets, alleys, pedestrian ways, easements, and other rights-of-way, and for the improvements therein needed to serve new developments, are borne by the subdividers rather than by the taxpayers of the City at large;
- I. To ensure that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare; and

- J. To encourage clustering, the preservation of natural features and limit grading.

## **Chapter 18.050**

### **Section 18.050.010 Approving Authority.**

- A. The Planning Commission of the City, as defined in Section 806 of the City's Charter and further defined in Title 2 of this Municipal Code, is designated as the advisory and/or approving agency with respect to subdivisions as set forth in the Subdivision Map Act except as otherwise specifically delegated in this Title; and shall have all such powers and duties with respect to subdivision maps and all other related proceedings as are provided by law and this Title.
- B. The Zoning Administrator is hereby designated as the advisory and/or approving agency for those proceedings authorized pursuant to Chapters 18.080.040 Tentative Parcel Maps, of this Title.
- C. The City Surveyor is hereby designated as the advisory and/or approving agency for those proceeding authorized pursuant to 18.100 Lot Line Adjustments, Consolidations and Mergers, 18.110 Parcel Map Waivers and 18.120 Certificates of Compliance of this Title
- D. The City Council shall be the approving authority for all maps in the RC Zone.

### **Section 18.050.070 Subdivision Committee.**

A committee consisting of Community & Economic Development Department Director, the Public Works Director, the Public Utilities General Manager, the Park, Recreation and Community Services Director, the Fire Marshal, or designated representatives of each, and which may include one or more representatives of such other City and County departments, special district, State and other public or private agencies as may, in the judgment of the Community & Economic Development Department Director, be affected by a proposed subdivision, is formed for the purpose of reviewing and advising on subdivisions and maps in accordance with the provisions of this Title and of the Subdivision Map Act.

## **Chapter 18.080**

### **18.080.040 Tentative Parcel Maps Required.**

- A. A tentative parcel map, as defined under [Article 6 Definitions](#), shall be required for all subdivisions creating four (4) or fewer parcels or where:
1. the land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no



dedications or improvements are required by the Approving or Appeal Authority;

2. each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway;
3. the land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the Approving or Appeal Authority as to street alignments and widths;
4. each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section;
5. or the land being subdivided is solely for the creation of an environmental subdivision pursuant to [18.080.080 Environmental Subdivision Maps](#) (California Government Code § 66418.2).

B. A tentative parcel map shall not be required for:

1. subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or
2. land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement or a license. (California Government Code §§ 66428 (a)(2)).

### **Section 18.080.050 Tentative Vesting Maps**

A tentative vesting map, as defined under [Article 6 Definitions](#), may be used whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Title, requires the filing of a tentative tract map or tentative parcel map, in accordance with the following:

- A. If a subdivider does not seek the rights conferred by a tentative vesting map, the filing of a tentative vesting map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction.
- B. The approval or conditional approval of a tentative vesting map shall confer a vested right to proceed with development in substantial compliance with the Codes,

policies and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a tentative vesting map shall confer a vested right to proceed with development in substantial compliance with the Codes, policies and standards in effect at the time the tentative vesting map is approved or conditionally approved.

- C. Notwithstanding subdivision (B) any fee required to be paid after the tentative map is approved, such as park development fees, school development fees, drainage mitigation fees or all other applicable fees, shall be paid in the amount required at the time the fee is required to be paid.
- D. Notwithstanding subdivision (B), a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
  - 1. A failure to do so would place residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
  - 2. The condition or denial is required in order to comply with State or Federal law.
- E. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the tentative vesting map as provided in [18.180.030 Permit Time Limits](#). If the final map is approved, these rights shall last for the following periods of time:
  - 1. An initial time period of three (3) years. Where several final maps are recorded on various phases of a project covered by a single tentative vesting map, this initial time period shall begin for each phase when the final map for that phase is recorded.
  - 2. The initial time period set forth in (E) (1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceed thirty (30) days, from the date a complete application is filed.
  - 3. A subdivider may apply for a one-year extension at any time before the initial time period set forth in (E) (1) expires. If the extension is denied, the subdivider may appeal that denial to the City Council within ten (10) days.
  - 4. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions (E) (1-3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
- F. Whenever a subdivider files a tentative vesting map for a subdivision whose

intended development is inconsistent with the Zoning Code in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the Zoning Code to eliminate the inconsistency. If the change in the Zoning Code is obtained, the approved or conditionally approved tentative vesting map shall, notwithstanding Section (C), confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Code and the map, as approved. The rights conferred by this Section shall be for the time periods set forth in Section (E).

- G. Notwithstanding any provision of this Section ([18.080.050 Tentative Vesting Maps](#)) a property owner or his or her designee may seek approvals or permits for development which depart from the Codes, policies and standards described in Sections (B) and (F), and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

### **Section 18.080.075 Tentative Condominium Conversion Maps.**

A tentative condominium map, as defined under [Article 6 Definitions](#), is used for the conversion of existing residential real property to condominiums, community apartments or stock cooperative projects or any other form of ownership except conversion projects for which a final or tentative parcel map has been approved or where the conversion involves a limited equity housing cooperative as defined in Section 33007.5 of the Health and Safety Code. All provisions, conditions and further definitions of condominium development as approved included in the California Civil Code shall apply to the divisions of real property as permitted herein.

- A. Findings.

The Approving or Appeal Authority shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project or a stock cooperative project unless it finds all of the following:

1. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has received, or will have received, pursuant to Section 66452.18 of the Government Code, written notification of intention to convert at least sixty (60) days prior to the filing of a tentative map pursuant to Section 66452 of the Government Code. There shall be a further finding that each such tenant, and each person applying for the rental of a unit in such residential real property, has, or will have, received all applicable notices and rights now or hereafter required by Government Code §§ 66410 - 66499.58. In addition, a finding shall be made that each tenant has received ten (10) days written notification that an application for a public report will be, or has been, submitted to the Bureau of Real Estate, that the period of each tenants right to purchase begins with the issuance of the final public report and that such report will be available on request. The

written notices to tenants required by this subdivision shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

2. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has been, or will be, given written notification within ten (10) days of approval of a final map for the proposed conversion.
3. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has been, or will be, given one hundred and eighty (180) days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the Civil Code.
4. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has been, or will be, given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety (90) days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
5. This Section shall not diminish, limit or expand, other than as provided herein, the authority of City to approve or disapprove condominium projects.

B. Development Review Required.

In addition to the limitations and restrictions contained within this Title, the Subdivision Map Act and the applicable Building and Fire regulations, no residential apartment unit shall be converted for sale, transfer or conveyance as a community apartment project, condominium or stock cooperative project without concurrently obtaining approval of a Condominium Conversion Permit pursuant to 19.790 of Title 19.

C. Exceptions.

A tentative condominium map shall not be required for:

1. Any separate assessment under Section 2188.7 of the Revenue and Taxation

Code.

A conversion of a community apartment project that meets all of the requirements of Government Code Section 66412(g).

A stock cooperative, as defined in Section 1351 of the Civil Code, to a condominium, as defined in Section 783 of the Civil Code, but only if it meets all of the requirements of Government Code Section 66412(h).

**Section 18.080.095 Phasing a Map.**

If a map is proposed to be constructed in phases, the proposed phasing schedule is subject to approval by the Zoning Administrator. Upon approval, the phasing map shall be distributed to the Public Works and Public Utilities departments.

**Section 18.080.160 Expiration of a Tentative Map.**

A tentative map for which a Final Map or Parcel Map has not been recorded as a final map shall expire within thirty-six (36) months of the date of approval or conditional approval of a tentative map, except for moratoriums, timely requested stays for litigation, and Government Code enacted extensions, any time extension granted by the Approving Authority and shall terminate all proceedings (California Government Code Section 66452.6 (a)). Before a map may thereafter be recorded, a new tentative map shall be processed in accordance with the provisions of this Chapter.

**Diagrams Deleted**

**Chapter 18.090**

**Section 18.090.060 Procedure.**

A. Filing.

1. *Final Tract, Parcel, Vesting, Condominium and Environmental Subdivision Maps.* Where a final tract, parcel, vesting, condominium or environmental subdivision maps is required, the subdivider shall, prior to submitting the map for final review, complete all offers of dedication, secure the required approvals with respect to public and private easements and complete plans and specifications for public improvements including drainage facilities and

sewer facilities and all applicable provisions of [Chapter 18.220 Improvements](#). All certificates shall be executed except those to be executed by the City Engineer, City Surveyor, City Clerk and County Recorder. The County Tax Collector/Clerk Certificates may be completed or left blank at the discretion of the subdivider, although failure to have the certificates completed will further delay recordation of the map.

The subdivider shall submit to the Public Works Department for approval, the original mylar and as many prints as may be required, along with any required statements, digital data, and documents.

The Public Works Department, after insuring that all conditions and approvals have been met or secured, shall process the map for adoption by the City Council and recordation with the County Recorder.

For final parcel maps where adoption by the City Council is not required the City Surveyor shall have the map transmitted to the County Recorder for recordation.

2. *Final Reversion to Acreage Map.* The owner or his representative shall cause all of the required certificates to be executed, except the certificates of the City Clerk, the City Engineer and the County Recorder, and shall file with the Public Works Department the original tracing and as many prints of the final reversion to acreage map as may be required. Following approval of the final reversion to acreage map and execution of the City Clerk's certificate, the City Clerk shall cause the final reversion to acreage map to be filed with the County Recorder. Filing with the County Recorder of the map shall constitute legal reversion to acreage of the land affected, and shall constitute abandonment of any street, alley, pedestrian way, easement or other right-of-way not shown on the map. Following execution of the County Recorder's certificate, the owner or the representative shall file a durable duplicate transparency of the recorded map with the Public Works Department.

B. City Engineer and City Surveyor Action.

The City Engineer and City Surveyor shall, within twenty (20) working days (California Government Code Section 66442) of receipt of the final map and accompanying documents, fees and materials, cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the Approving and Appeal Authority, and if found to be complete, technically correct, in conformity with the improvement plans and specifications, and in compliance with the requirements of this Title, other applicable Codes, Specific Plans, General Plan and planned street lines, shall execute their respective certificate on the map and shall file the final map and accompanying materials with the City Clerk. Should the final map or other accompanying documents, fees or materials be found

not to be complete or correct in any respect, the subdivider shall be advised of the changes or additions that must be made. The City Engineer and City Surveyor shall then, within ten (10) working days of receipt of the corrected final map or accompanying materials, documents or fees, cause the same to be reexamined, and if found to be correct and in compliance with this Title and all other applicable Codes, Specific Plans, General Plan and planned street lines shall execute the City Engineer's certificate on the map, and shall file the final map and accompanying materials with the City Clerk. The date of filing, as set forth in California Government Code Section 66458, shall be the date the final map is filed with the City Clerk.

C. Final Approval Action.

*City Council.* At its next regular meeting, (California Government Code Section 66458) after filing the final map and accompanying materials with the City Clerk, the City Council shall consider the final map, and if it is found to comply with all requirements shall approve the final map and instruct the City Clerk to execute the approval certificate. At the time of approval of the final map, the City Council also shall accept, subject to improvement or reject any and all offers of dedication. The time limit for approval of the final map may be extended by mutual consent of the subdivider and the City Council. If the City Council does not approve or disapprove the final map within the prescribed time, or any authorized extension and the final map conforms to all said requirements and rulings, it shall be deemed approved, and the City Clerk shall certify its approval.

*City Engineer.* City Council approval is not required for final parcel maps without offers of dedication which are approved by the City Engineer. The time limit for approval for these maps may be extended by mutual consent of the subdivider and the City Engineer. If the City Engineer does not approve or disapprove the final parcel map without offers of dedication within the prescribed time, or any authorized extension and the final parcel map conforms to all said requirements and rulings, it shall be deemed approved.

D. Final Parcel Map Filing.

*City Clerk.* Following approval of the final map and execution of the City Clerk's certificate, the City Clerk shall transmit the final map to the Clerk of the County Board of Supervisors for ultimate transmittal to the County Recorder. The subdivider shall file with the Public Works Department a durable duplicate transparency of the recorded final map.

*Public Works Department.* Following approval of a final parcel map without offers of dedication the Public Works Department shall cause the map to be transmitted to the County Recorder for recordation. The subdivider shall file with the Public Works Department a durable duplicate transparency of the recorded final map.

## **Diagram Deleted**

### **Chapter 18.100**

#### **Section 18.100.040 Finalization of Lot Line Adjustment, Consolidation or Merger/Unmerger.**

**A. Issuance of Certificate of Compliance.**

The approval of the lot line adjustment, consolidation or merger/unmerger by the Approving or Appeal Authority shall be evidenced by the issuance of a Certificate of Compliance for Lot Line Adjustment or a Certificate of Compliance of Lot Consolidation or a Certificate of Compliance to Lot Merger/Unmerger, as may be applicable, and recordation of Grant Deeds reflecting the newly configured parcels. The property description or descriptions on the Certificate shall describe the reconfigured parcel or parcels which will be recognized by the City as legal lots.

**B. Recordation of Deeds and Other Documents.**

Concurrently with the recordation of the Certificate of Compliance for Lot Line Adjustment, Lot Consolidation or Lot Merger/Unmerger, all deeds exchanging property between the affected parcels or consolidating the affected parcels accompanied by reconveyances or partial reconveyances or other releases of deeds of trust or similar encumbrances on the subject property or amended deeds of trust or similar encumbrances describing the reconfigured parcels shall be submitted to the City's Surveyor for review and approval. The applicant shall be notified of any corrections requested by the City, and any corrected or new documents shall be promptly submitted to the City Surveyor.

**C. Recordation of Certificate of Compliance for Lot Line Adjustment, Certificate of Compliance for Lot Consolidation or Certificate of Compliance for Lot Merger/Unmerger.**

All deeds and other documents approved by the City Surveyor shall be signed by the appropriate parties and notarized in accordance with applicable law. The recordation as hereinabove provided of the Certificate of Compliance for Lot Line Adjustment, a Certificate of Compliance for Lot Consolidation or a Certificate of Compliance for a Lot Merger/Unmerger, as may be applicable, shall immediately follow the recordation of the required deeds exchanging property between the affected parcels or consolidating the affected parcels and any necessary reconveyances or partial reconveyances or other documents to ensure that any deed of trust or similar encumbrance now describes the reconfigured parcel or parcels.



D. Payment of Recording Fees.

The fees for the recording of all documents as established by the Office of the County Recorder of Riverside County shall be remitted by applicant to County Recorder at the time of recordation of such documents including the Certificate of Compliance for Lot Line Adjustment, Certificate of Compliance for Lot Consolidation or Certificate of Lot Merger/Unmerger.

E. Failure to Submit Required Deeds and Documents Within One Year or Within the Time Permitted by an Approved Time Extension.

In the event the Certificate of Compliance or any deed, reconveyance or other document required for the finalization of the approved lot line adjustment, lot consolidation or lot merger/unmerger is not submitted to the County Recorder for recordation within one (1) year following the effective date of the approval of such by the Approving or Appeal Authority, or within the time permitted by an approved Time Extension ([18.180.050 Map Approval and Permit Extension](#)), the Certificate of Compliance for Lot Line Adjustment, Certificate of Compliance for Lot Consolidation or Certificate of Compliance for a Lot Merger/Unmerger, as may be applicable, shall be void and of no further force and effect and shall not be recorded. If the applicant still wishes to proceed with the lot line adjustment, consolidation or merger/unmerger, a new application must be submitted in accordance with the provisions of [Chapter 18.100 Lot Line Adjustments, Consolidations and Merger/Unmergers](#).

**Section 18.100.060 Expiration of Lot Line Adjustment, Consolidation and Merger/Unmerger.**

A lot line adjustment, consolidation or merger/unmerger which has not been recorded shall expire within one (1) year of the date of approval or conditional approval of a lot line adjustment, consolidation or merger/unmerger, except for any time extension granted by the Approving or Appeal Authority and shall terminate all proceedings. Before a lot line adjustment, consolidation or merger/unmerger may thereafter be recorded, a new lot line adjustment, consolidation or merger/unmerger shall be processed in accordance with the provisions of this Chapter.

**Diagram Deleted**

**Chapter 18.110**

**Section 18.110.010 Applicability.**

Except where required by the Subdivision Map Act, a Final Parcel Map may be waived subject to the approval of the City Surveyor.

The subdivider, upon obtaining approval of a Tentative Parcel Map may request the waiving of a Final Parcel Map. The request shall be in writing in a form acceptable to the City of Riverside. The request shall be forwarded to the City Surveyor for review.

### **Section 18.110.030 Finalization of Parcel Map Waiver.**

- A. A parcel map waiver shall not become operative unless and until a Certificate of Compliance for Parcel Map Waiver signed by the City Surveyor is recorded in the Office of the County Recorder prior to the expiration of the approval.
- B. The City Surveyor shall, upon receipt of the required documents, review them for completeness and compliance with the approved tentative. If the City Surveyor determines that any documents need to be revised, the City Surveyor shall notify the person submitting such document. Any necessary changes, modifications or corrections shall be promptly made and resubmitted to the City Surveyor.
- C. Upon receipt of all necessary documents as reviewed and approved by the City's Surveyor, the City Surveyor shall prepare the appropriate Certificate of Compliance and submit it to the applicant's title officer for completion of the required statements and certificates.
  - 1. The title officer will return the certificate of compliance to the City Surveyor who shall verify completeness of the certificates and transmit the document to the City Surveyor who shall sign the Certificate of Compliance for Parcel Map Waiver.

The Certificate of Compliance for Parcel Map Waiver shall be returned to the City Surveyor who shall transmit the documents to the applicant's title officer for recordation in the Office of the County Recorder for Riverside County, California together with any other required documents.

## **Chapter 18.120**

### **Section 18.120.040 Conditional Certificate of Compliance.**

- A. Application for Conditional Certificate of Compliance.

If the City Surveyor determines that the real property was divided in violation of the provisions of the Subdivision Map Act or this Title which were applicable at the time the property was divided, the applicant shall within thirty (30) days of such determination file an application for a Conditional Certificate of Compliance, together with the required processing fee as prescribed by the City's Fee Resolution. Failure to file an application in thirty (30) days will result in enforcement as prescribed under [Chapter 18.070 Enforcement](#). The application for a Certificate of Conditional Compliance need only be accompanied by any current vesting deed(s) not submitted with the Application for Determination; provided, however, if the application for a Conditional Certificate of Compliance is filed over one (1) year from the date of the notice of the determination by the City Surveyor of noncompliance, the application for a Conditional Certificate of Compliance shall be accompanied by the current vesting deed(s) and such other information as may be required to ascertain the status of each parcel included in the application, as well as a map drawn to an engineer's scale of the subject property with dimensions

showing the location and use of all structures on the property and all streets adjacent to and providing access to the property. The application shall not be considered as complete until all the application documents including the vesting deed(s) and map have been received together with the processing fee.

B. City Surveyor's Decision.

If the City Surveyor has determined that the real property was divided in violation of the Subdivision Map Act or this Title, the City Surveyor may either administratively issue a Conditional Certificate of Compliance, thereby approving the Conditional Certificate of Compliance or refer the matter to the Planning Commission as hereinafter provided. Such decision shall be made within twenty (20) working days after receipt of the completed application and written notice shall be given to the applicant. The decision to refer the matter to the Planning Commission is not appealable.

Written notice of the City Surveyor's decision to approve the Conditional Certificate of Compliance, including conditions imposed, shall be forwarded to the applicant. The City Surveyor's decision to issue a Conditional Certificate of Compliance, shall be final and effective ten (10) days following the notice of decision, unless the applicant or other interested party files an appeal in accordance with [Chapter 18.170 Appeals](#).

C. Conditions.

The City Surveyor may impose such conditions on the issuance of the Conditional Certificate of Compliance as would have been applicable to the division of the property at the time that the current owner of record acquired the property; except that where the applicant was the owner of record at the time of the initial violation, who by a grant of the real property created a parcel or parcels in violation of the Subdivision Map Act or this Title, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation, then the City Surveyor may impose such conditions as would be applicable to a current division of the property, including the requirement of filing a parcel map or tract map.

The conditions may be fulfilled and implemented by the owner or vendee who applied for the Conditional Certificate of Compliance or any subsequent owner. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for the development or use of the property is issued by the City, unless the property is thereafter included as a part of a legal division of said real property pursuant to the provisions of this Title.

D. Preparation of Conditional Certificate of Compliance.

At such time as the decision of the City Surveyor or the Planning Commission

acting in its capacity as City Surveyor, or, in the case of an appeal, the decision of the City Council to issue a Conditional Certificate of Compliance is final, the application and any conditions imposed shall be forwarded by the Planning Division to the City Surveyor for preparation of the Conditional Certificate of Compliance within five (5) days of the decision becoming final. The City Surveyor shall within five (5) working days of referral prepare the Conditional Certificate of Compliance. The Conditional Certificate of Compliance shall contain the information as set forth in [Section 18.120.050 Required Information on Certificates](#).

E. Issuance.

The City Surveyor, shall issue the Conditional Certificate of Compliance and shall then cause the applicant to be notified of the estimated recording fees for recording the Conditional Certificate of Compliance.

F. Payment of Recording Fee; Recordation.

Upon remittance to the City of the estimated recording fees by the applicant, the City Surveyor shall then cause the Conditional Certificate of Compliance to be recorded in the Office of the County Recorder of Riverside County. Such remittance shall be by check made payable to the County Recorder, County of Riverside, in the amount required to have the document recorded.

G. Completion of Conditions.

Upon completion of the conditions imposed by a Conditional Certificate of Completion, the owner shall notify the City Surveyor. If the conditions are satisfactorily completed, the City Surveyor shall then issue and record a final Certificate of Compliance upon the payment by the applicant of any fee as may be established by the City's Fee Resolution, together with the estimated recording costs.

## **Chapter 18.140**

### **Section 18.140.030 Concurrent Processing of Permits.**

When a proposed map, permit or action requires more than one application with more than one Approving or Appeal Authority, all applications shall be processed concurrently as interrelated permits for a project and shall not be bifurcated. The highest designated Approving or Appeal Authority for all such requested applications shall take final action on multiple permits. For example, the Planning Commission takes final action on a Tentative Tract Map. However, when processed in conjunction with a General Plan Amendment, for example, the Tentative Tract Map shall be reviewed and acted upon by the City Council in conjunction with the other application request(s). The Planning Commission provides recommendations to the City Council on both entitlement requests.

### 18.140.040 Approving and Appeal Authority Table.

Type of Map, Permit or Action	Zoning Administrator (ZA) or City Surveyor(6)	City Planning Commission (CPC)	City Council (CC)1, 2
<b>Administrative</b>			
Certificate of Compliance	F	AR	A/F
Final Condominium Map			F(3)
Final Environmental Subdivision Map			F(3)
Final Parcel Map			F(3)
Final Reversion to Acreage Map			F(3)
Final Tract Map			F(3)
Final Vesting Map			F(3)
Lot Line Adjustments	F	AR	A/F
Lot Consolidations	F	AR	A/F
Lot Mergers/Unmergers	F	AR	A/F
Modifications	F	AR	A/F(4)
Notice of Violation	F	AR	A/F
Parcel Map Waivers	F	AR	A/F
Tentative Parcel Map	F	AR	A/F(5)
Time Extensions	F	AR	A/F
<b>Public Hearing</b>			
Tentative Condominium Map		F	A/F
Tentative Environmental Subdivision		F	A/F
Tentative Reversion to Acreage Map		F	A/F
Tentative Tract Map		F	A/F(5)
Tentative Vesting Map		R	A/F

R = Recommending Authority; F = Final Action Authority (unless appealable or referred); A = Appeal Authority; AR = Approving Authority as Zoning Administrator on Referral

- (1) Decisions of the City Council are final and cannot be appealed.
- (2) An item pulled from the City Council Consent Calendar which was originally heard at a public hearing, will need to be re-advertised for such hearing prior to being heard.
- (3) The Public Works Department submits all Tract Maps and those Parcel Maps that require offers of dedications to the City Council for adoption. After adoption they are transmitted to the County Recorder for recordation. Parcel Maps not requiring offers of dedication are approved by the Public Works Department and submitted to the County Recorder for recordation.
- (4) See Title 19 (Zoning Code) of the Riverside Municipal Code, Section 19.650.020 (C) (2) - Designated Approving

- Authority
- (5) Tentative RC Zone Maps require City Council approval on its consent calendar.
  - (6) As set forth in this Title, either the Zoning Administrator or the City Surveyor shall be the approving authority for the action listed.

Note: The Zoning Administrator or City Surveyor may refer the action to the next higher Approving Authority in the hierarchy of decision-making.

## **Chapter 18.150**

### **Section 18.150.015 Initiation of Applications.**

For all case types the City Manager, or his/her designee, is authorized to initiate Subdivision applications, notwithstanding any other section of this Title, for any project authorized under this Title.

### **Section 18.150.030 Eligible Applicants.**

- A. The owner(s) of the property, the authorized agent(s), a plaintiff in an action of eminent domain, or the City Manager, or his/her designee shall make the application. Any authorized agent shall be formally delegated as such in writing by the property owner. The application shall contain adequate evidence of title to the real property within the subdivision and sufficient data to enable the City Council to make all of the determinations and findings required by this Title.
- B. Proceedings for reversion to acreage may be initiated by the City Council on its own motion or by application of all of the owners of record of the real property within the subdivision. The application shall contain adequate evidence of Title to the real property within the subdivision and sufficient data to enable the City Council to make all of the determinations and findings required by this Title (California Government Code 66499.12).

### **Section 18.150.050 Submittal Requirements.**

- A. General Requirements.
  - 1. Every application for a map or permit pursuant to this Title shall include a completed application form designated for the particular request, the owner and applicant signature(s), the agent authorization as appropriate and processing fee(s) established by City Fee Resolution.
  - 2. Applications will not be accepted by the Planning Division without required signed application forms and permit fees as established by City Fee Resolution.
- B. Additional Requirements for Tentative Tract, Parcel, Vesting, Reversion to Acreage, Condominium and Environmental Subdivision Maps.
  - 1. *Tentative Tract, Parcel, Vesting, Reversion to Acreage, Condominium and*

*Environmental Subdivision Maps.*

- a. The tentative map shall be clearly and legibly drawn by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor. The scale of the map shall be at least one inch equal to one hundred feet. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. The minimum size of each sheet should be eighteen inches by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.
- b. The tentative map shall contain the following information:
  - 1) The map number assigned by the Riverside County surveyor;
  - 2) Names and addresses of the record owner and subdivider of the land;
  - 3) Name, signature and address of the person, firm or organization that prepared the map and the applicable registration and/or license number;
  - 4) Date of preparation, north point and scale of the map; if based on a survey, the date of the survey;
  - 5) Boundaries of the subdivision with suitable ties to readily locate the property;
  - 6) Riverside County Assessor's parcel number(s) of the property included within the map;
  - 7) The locations, names and widths of adjacent streets, alleys, and pedestrian ways;
  - 8) Numbers of adjacent subdivisions, buildings and property lines sufficient to show their relationship to the proposed subdivision;
  - 9) All properties that are "Not A Part" of the map and/or are designated remainders shall be clearly delineated;
  - 10) Contour lines at five-foot intervals or less where the slope of the land is one percent (1%) or more, and contour lines at two-foot intervals or less where the slope of the land is less than one percent (1%). Topographic information shall be

sufficient fully to show the configuration of the land and any and all depressions that present drainage problems, and shall extend beyond the tract boundaries where necessary to show essential conditions;

- 11) A preliminary 100-scale grading plan (40-scale grading plans are required for maps in the RC - Residential Conservation Zones) shall be submitted with the map which includes how the grading relates to existing contours on adjoining property, location of trees, rock outcroppings, arroyos, blue line streams, and other significant natural features;
- 12) The outlines of groves of trees and orchards, the approximate location of other trees with a trunk diameter of six inches or more, and an indication of all trees that are to remain on the lots;
- 13) Location, width and direction of flow of all watercourses and the outline of any area subject to flooding or storm water overflow;
- 14) Location of all railroads, buildings and other structures, structures for demolition, and all natural obstacles, and an indication of any physical restrictions or conditions in the subdivision which affect the use of the property; distances between all buildings to remain and property lines shall be shown;
- 15) Locations, widths and purposes of all existing and proposed easements for utilities, drainage and other public purposes, shown by dashed lines;
- 16) Locations of existing utilities in and adjacent to the tract; size and invert elevation of sanitary and storm sewers; size of water mains; if sewers and water mains are not in or adjacent to the tract, the direction and distance to the nearest sewer and water main with invert elevation of sewer and size of main;
- 17) Locations, widths and grades of all public streets, private streets, alleys, pedestrian ways and other rights-of-way, and proposed street names; the radius of each curve; any planned line for street widening or for any other public project in or adjacent to the tract;



- 18) Lines and approximate dimensions of all lots and the number assigned to each lot; the total number of lots, the approximate area of each lot and the total area of the map;
- 19) Boundaries of existing and proposed public areas in or adjacent to the tract, with the nature of each indicated by label; the area of each parcel proposed for public use to the nearest one-tenth acre, including any areas proposed to be dedicated as parkland per the requirements of Government Code Section 66477 et seq (Quimby Act);
- 20) Proposals for handling storm water and drainage;
- 21) Areas designated for preservation or protection from development due to their status as sensitive or protected biological habitat, archaeological resource areas, significant geological formations, or other environmentally important or legally designated lands, as so identified by local Code and/or applicable county, state, or federal regulations; and
- 22) The following drawings and statements shall be filed on or along with the tentative map:
  - i. A vicinity map showing the location of the proposed subdivision;
  - ii. A statement of the total area of the tentative map;
  - iii. For mixed use developments, a statement of the total area of the land used for each type of use;
  - iv. A statement of the proposals for sewage disposal, water supply, electric service, gas service, telephone service, television reception and for other utilities;
  - v. Any application and the drawings and documents required to be filed therewith for any modification that may be proposed in accordance with [Chapter 18.230 Modifications](#); and
  - vi. Any application and the drawings and documents required to be filed therewith for hillside grading pursuant to [Title 17](#).
  - vii. Cross sections at the perimeter, location and design of required trails, Water Quality Management Plan

and location of any needed detention basins, and other information as requested by Planning Division Staff on a case by case basis.

- 23) FEMA Flood Zone Designation.
- 24) Size, type and location of proposed water quality best management practices.

2. *Tentative Vesting Map.*

- a. A tentative vesting map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth for a Tentative Map and shall have printed conspicuously on its face the words “Tentative Vesting Map.”
- b. At the time a tentative vesting map is filed, a subdivider shall also supply the following information unless an item(s) is determined by the Zoning Administrator not to be necessary:
  - 1). Height, size, and location of buildings;
  - 2). Sewer, water, storm drain, and road details;
  - 3). Information on the uses to which the buildings will be put;
  - 4). Detailed grading plans pursuant to [Title 17](#);
  - 5). An engineer's drainage study approved by the City Public Works Department;
  - 6). Building, landscaping, irrigation and sign plans when required for the project by Title 19 of the Riverside Municipal Code or application for development plan or plot plan approval when required by Title 19 of the Riverside Municipal Code;
  - 7). A traffic study approved by the City Public Works Department and Planning Division, unless waived;
  - 8). A geologic study approved by the City Engineer for properties identified as being subject to liquefaction;
  - 9). An acoustical study approved by the Building Official for properties requiring such studies by [Title 16](#) of the Riverside

Municipal Code;

- 10). An application for rezoning the property if the proposed use or density is not permitted in the current zone; and
- 11). A detailed parking analysis (not required for maps creating single family residential lots only).

3. *Lot Line Adjustments, Lot Consolidation and Lot Merger/Unmergers.*

The application shall be accompanied by a site plan indicating the current ownership, property lines, existing structures, any encumbrances and such other data and information as may be prescribed by the Planning Division. Any application for property in the Residential Conservation (RC) Zone shall be accompanied by a topographical map, a proposed grading plan and a proposed development plan unless waived by the Zoning Administrator.

4. *Parcel Map Waiver.*

Any person wishing to waive the requirement for the preparation and recordation of a parcel map and who has a recorded a Certificate of Compliance for Parcel Map Waiver shall first submit to the City Surveyor the following:

- a. An approved tentative map meeting the requirements of this Title for a tentative map and conforming to the approved configuration and revisions as stipulated by the Approving or Appeal Authority;
- b. Names and addresses of fee owner and the subdivider if different from the owner;
- c. Riverside County Assessor's parcel number(s);
- d. A preliminary title report or a similar report indicating the encumbrances, if any, on the property;
- e. The application shall be accompanied by a processing fee as established by the City's Fee Resolution;
- f. A legal description and plat signed by a licensed land surveyor or civil engineer authorized to practice land surveying clearly describing the new parcels as shown on the approved tentative map;
- g. An unsigned, acknowledge statement in a format acceptable to the City Surveyor satisfying all of the requirements of Section 66436 of the California Government Code;

- h. An unsigned certificate or statement in a format acceptable to the City Surveyor satisfying the requirements of Section 66492 of the California Government Code; and
- i. An unsigned certificate or statement and security in a format acceptable to the City Surveyor satisfying the requirements of Section 66493 of the California Government Code if any part of the subject property is subject to a lien of taxes or special assessments collected as taxes which are not yet payable and any lot lien created by the subdivision would bisect any existing assessor's parcel.

5. *Determination of Compliance.*

Applications for a determination of compliance can be filed and shall be signed by any person owning real property or a vendee of that person pursuant to a contract of sale of the real property, or at the request of an interested party, see [18.120.020 Determination of the City Surveyor](#).

C. Final Tract, Parcel, Vesting, Reversion to Acreage, Condominium and Environmental Subdivision Maps.

1. *General Requirements.*

The final map shall:

- a. be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor and shall conform to all of the following provisions and those set forth in Government Code 66434;
- b. conform substantially with the tentative map approved by the Approving Appeal Authority, including all amendments, conditions, modifications and provisions made or required by the Approving or Appeal Authority, or as modified on appeal, and shall comply with this Title, all other applicable Codes, Specific Plans, General Plan and planned street lines that are in effect as of the filing date;
- c. be based upon a survey, except for a final parcel map;
- d. be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on white tinted mylar, 3 mil or 4 mil thick. Lines, fonts, characters and duplication shall comply with all standards of the County of Riverside Assessor, Clerk and Recorder in effect at the time of recordation;

- e. have the size, content and format of each sheet in compliance with all standards of the Subdivision Map Act and City Ordinance. Each sheet shall show the map number, shall contain a north point, shall contain complete engineer's notes and shall show the scale of the map;
- f. have a title sheet provided which shall indicate the map number and such other descriptive information as may be necessary. For a final parcel map a title containing the words "PARCEL MAP" and such other descriptive information as may be necessary, including the map number. Below the title shall be a subtitle consisting of a general description of the property being subdivided by reference to recorded maps, or by reference to the plat of a United States survey. References to tracts and subdivisions in the description shall be worded identically with original records, and references to book and page of record shall be complete. The words "City of Riverside" if the map is entirely within the City, or the words "Partly in the City of Riverside and partly in unincorporated territory of Riverside County" if the map is partly in unincorporated territory shall be included on the title page. The title page also shall contain all of the required certificates, acknowledgments, endorsements, acceptances, dedications and notarial seals. Where the size of a subdivision permits, in lieu of a title sheet, the information prescribed above may be shown on the same sheet as the final map;
- g. include the north point with basis of bearing, scale and date of map;
- h. include the boundaries of the subdivision, indicated by distinctive symbols approved by the Public Works Department and clearly so designated. Such border shall not obliterate any figures or other data. All lines shown on the map which do not constitute a part of the subdivision shall be clearly distinguishable from those lines which are a part of the subdivision and any area enclosed by such lines shall be labeled "Not a part of this subdivision." The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys;
- i. contain survey data, including:
  - 1). monuments, stakes, or other evidences set or found on the ground to determine the boundaries of the tract;
  - 2). corners of all adjoining properties identified by lot and block number, tract name, or place of record, or by section, township and range, or other proper designation;

- 3). all information and data necessary to locate and retrace any and all exterior boundary lines, lot, or block lines, including basis of bearings;
  - 4). bearings and distances of straight lines;
  - 5). the radius, central angle and length of each curve and such additional information as may be necessary to determine the location of the centers of curves;
  - 6). the centerlines of all streets in and adjoining the subdivision, indicating all permanent monuments found or placed and making reference to a map or field book wherever the Public Works Department has established such centerline. If any points were reset by ties, the source and detail of relocation data used shall be stated;
- 
- j. show all lots or parcels intended for sale or reserved for private purposes, all parcels offered for dedication to the City or any other public agency for any purpose and designated remainders with all dimensions, boundaries and courses clearly shown and defined in each case;
  - k. be numbered consecutively without block identification. Parcels offered for dedication or to be used as streets, alleys, pedestrian ways and nonaccess barrier strips shall be identified by letters;
  - l. show the location and width of all streets, alleys, pedestrian ways and other rights-of-way and the portions thereof offered for dedication; the names of streets; and the widths of existing dedications, if any, in the subdivision;
  - m. show the lines of all easements to which the lots are subject. Each easement shall be clearly identified as to nature and purpose; and if already recorded, its recorded reference shall be given. If any easement is not definitely located and of record, a statement of such easement shall appear on the title sheet. Easements shall be denoted by fine dashed lines. Distances and bearings on the side lines of lots which are cut by easements shall be shown so that the map will clearly indicate the actual lengths of the lot lines. The width of the easements and the lengths and bearings of the lines thereof, and sufficient ties thereto to definitely locate the easements with respect to the subdivision shall be shown;
  - n. show the locations and widths of nonaccess barrier strips;

- o. show all limitations on rights of access to and from streets and lots and other parcels of land;
- p. show the lines of any stream, channel or body of water in or adjacent to the subdivision, and the outlines of any area subject to flooding or storm water overflow;
- q. show the location, width and name of any street and the location and width of any alley, railroad right-of-way or other right-of-way adjacent to the subdivision;
- r. show any City boundary crossing or adjoining the subdivision;
- s. note when a soils report has been prepared in accordance with Section [18.090.050](#), together with the date of the report and the name of the engineer making the report; and
- t. show any open space easement areas.

2. *Final Parcel Map.*

For a Final Parcel Map the following shall also be included:

- a. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey, but only by reference to the existing record boundaries of such remainder if such remainder has a gross area of five (5) acres or more;
- b. All parcels, excluding remainder parcels, shall be numbered or otherwise designated with all dimensions, boundaries, and courses clearly shown and defined in each case;
- c. The location and width of streets, alleys, pedestrianways and other easements and the portions thereof dedicated or offered for dedication to the City, including their recording references; and the names of streets;
- d. The lines of easements to which the lots are subject, shown in fine, dashed lines, and the lines, bearings, and dimensions of easements deeded to the City; and
- e. Limitations on rights of access to and from streets.

3. *Final Reversion to Acreage Map.*

For a reversion to acreage map each lot or parcel and the number thereof

being eliminated shall be shown in fine, dashed lines.

D. Lot Line Adjustments, Consolidations and Merger/Unmergers.

Upon receipt of Conditional Approval the applicant shall submit the required property descriptions and documentation to the City's Surveyor for review and comment. The applicant shall promptly submit to the Surveyor any additional information or corrected documents as deemed necessary upon written request from the Surveyor.

The applicant shall also take all necessary steps to insure that all conditions imposed by the Approving or Appeal Authority are completed to the satisfaction of the affected department.

**Section 18.150.070 Processing Application.**

A. *Filing of Tentative Maps.*

An application shall be filed with the City Planning Division.

The City Planning Division shall prepare a written report on a tentative map to the Approving Authority and the Approving Authority shall take action within fifty (50) days after the City's acceptance of the filing of a completed application for the map with the City.

Any report or recommendation on a tentative map by the Approving Authority shall be in writing and a copy served on the subdivider and on each tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, at least three (3) days prior to any hearing or action on such map by such Approving Authority.

Pursuant to Section 66451.2, fees may be collected from the subdivider for expenses incurred under this section.

5. Indemnification.

a. With the submittal of any application, the owner and/or applicant agrees that upon approval of its application the owner and/or applicant shall defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action or proceeding against the City of Riverside, its agents, officers or employees, that attacks, set asides, voids, or annuls, any approval by the City concerning:

i. Any such approval of the City: and/or



- ii. An action taken to provide environmental clearance under the California Environmental Quality Act (CEQA) by its advisory agencies, appeal boards or City Council.
- b.. The owner and/or applicant shall execute an indemnification agreement in a form acceptable to the City Attorney.
- c. In the event any claim, action or proceeding is brought, the City shall promptly notify the owner and/or applicant of the existence of the proceeding and the City will cooperate fully in the defense of the proceeding. Nothing in this section shall prohibit the City from participating in the defense of any proceeding.
- d. In the event that the applicant is required to defend the City in connection with any proceeding described in this section, the City shall retain the right to approve:
  - i. The counsel to so defend the City;
  - ii. All significant decisions concerning the manner in which defense is conducted; and
  - iii. Any and all settlements, which approval shall not be unreasonably withheld.
- e. The City shall also have the right not to participate in the defense, except that the City agrees to cooperate with the applicant in the defense of the proceeding. If the City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City
- B. *Filing of Lot Line Adjustments, Consolidations and Merger/Unmergers.* Upon receipt of a complete application, copies thereof shall be referred to other appropriate City departments or other public or private agencies affected, together with a request for a written recommendation and any conditions to conform with existing General Plan, Zoning and Building Codes or to facilitate the relocation of existing utilities, infrastructure or easements which should be imposed on the approval of the application. The referral from the Public Works Department shall state that any recommendations, comments or recommended conditions must be returned to the Public Works Department within fifteen (15) days and that failure to do so shall be deemed approval by that department or agency of the requested lot line adjustment, consolidation or merger/unmerger without conditions.
- C. *Filing of Parcel Map Waivers.* Upon receipt of the completed application, copies thereof shall be referred to other appropriate City departments or other public or private agencies affected, together with a request for a written recommendation and any conditions. The referral from the Public Works Department shall state that any recommendations, comments or suggested conditions must be returned to the Public Works Department within fifteen (15) days and that failure to do so shall be

deemed approval by that department or agency of the requested waiver of parcel map without conditions.

**D. *Filing of Certificates of Compliance.***

1. Upon receipt of and acceptance of a completed application by the Public Works Department, including the required processing fee, the application shall be referred by the to the City's Surveyor for review to make a determination as to whether or not the real property complies with the applicable provisions of the Subdivision Map Act and this Title.
2. Such determination shall be made within fifteen (15) days after acceptance of the completed application; provided, however, that date may be extended by the period of time necessary for the applicant to provide such additional information as may be reasonably requested by the Surveyor in writing in order to ascertain the status of the subject property.

**Section 18.150.080 Subdivision Committee.**

**A. Referrals.**

Following the determination of a complete application for a tentative map as required under Section [18.150.040 Initial Application Completeness Review](#), the Planning Division shall transmit copies of the tentative map and, where applicable, of the accompanying drawings and statements to members of the Subdivision Committee, together with a request for written recommendations on the proposed subdivision to be returned to the Planning Division within fifteen (15) days. The transmittal to the Subdivision Committee shall include a notification of the Subdivision Committee meeting date. The Community & Economic Development Department Director may transmit additional applicable copies to such other public and private agencies or departments as may be affected by the proposed subdivision, together with requests for written recommendations thereon within fifteen (15) days (California Government Code Section 66453). Failure to submit such written recommendations may be deemed recommended approval of the proposed subdivision and limit further ability to comment on the map or recommend conditions of approval.

**B. Subdivision Committee Meeting.**

The Planning Division shall, within forty (40) days after the filing of a complete application for a tentative map, hold a conference between the subdivider and the Subdivision Committee. The Committee shall advise the subdivider regarding conformity of the map with the provisions of this Title and other applicable Codes, and conformity of the proposed uses with General Plan and the Zoning Code, and shall advise on possible improvements in the design of the proposed subdivision as well as possible requirements and conditions of map approval. The Committee also shall advise on the requirements, if any, of other City departments and County,

special district, State, and other public and private agencies affected by the proposed subdivision.

C. Report of the Subdivision Committee Meeting.

Following the Subdivision Committee meeting, the Planning Division shall furnish to the subdivider a written copy of the report and recommendations on the tentative map to be presented to the Planning Commission. The report shall be given to the subdivider at least three (3) days prior to the consideration of the map by the Planning Commission (California Government Code Section 66452.3). Copies of the report may be transmitted to other public or private agencies affected by the proposed subdivision.

**Section 18.150.100 Zoning Administrator Review.**

A. Tentative Parcel Map.

1. Tentative parcel maps that meet all of the criteria listed below can be approved by the Zoning Administrator in accordance with the Subdivision Map Act. The City Manager shall have the authority to enter into all agreements related to the approval of the parcel map.
  - a. The existing parcel has an average natural slope no greater than 20 percent (20%).
  - b. All necessary infrastructure and utilities are provided to the proposed parcels in a manner consistent with City standards.
  - c. The map would create no more than four (4) parcels.
  - d. None of the conditions of California Government Code Section 66474, *Grounds for Denial of Tentative or Parcel Map*, exist. These conditions include:
    - 1) That the proposed map is not consistent with the applicable General Plan and Specific Plans as specified in Section 65451.
    - 2) That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.
    - 3) That the design is not physically suitable for the type of development.
    - 4) That the site is not physically suitable for the proposed density of development.

- 5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 6) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- 7). That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

B. Lot Line Adjustments, Lot Consolidations and Lot Merger/Unmergers.

- 1. The City Surveyor shall conditionally approve an application for a lot line adjustment, lot consolidation or lot merger/unmerger upon a finding that the property involved meets all the following criteria:
  - a. The parcels are physically contiguous and not separated by any public right-of-way.
  - b. No additional parcels will be created.
  - c. The resulting parcels comply with all applicable requirements of Title 19 of this Code, unless in conjunction therewith a variance is granted by the Zoning Administrator pursuant to the provisions of Title 19.720 of this Code.
  - d. The proposed adjustment, consolidation or merger/unmerger and the resulting parcels comply with applicable requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of this Title.
  - e. No new streets or street extensions are created, although dedications

for street rights-of-way may be required in accordance with the provisions of [Section 13.16.060](#) of the Riverside Municipal Code.

- f. In the case of properties proposed to be created by a lot line adjustment, lot consolidation or lot merger/unmerger with an average natural slope of 20% or greater, an Initial Study needs to be prepared and a Negative Declaration adopted in accordance with the City's California Environmental Quality Act – [CEQA Resolution](#).
2. The City Surveyor may only impose such conditions to a conditional approval of the lot line adjustment, lot consolidation or lot merger/unmerger as may be necessary to conform to the City's Zoning and building regulations including those regulations applicable to the issuance of a building permit set forth in [Section 13.16.060](#) of the Municipal Code, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, lot consolidation or lot merger/unmerger, or to facilitate the relocation of existing utilities, infrastructure or easements. No tentative map, parcel map or final map shall be required as a condition of the approval of a lot line adjustment, lot consolidation or lot merger/unmerger.
3. The City Surveyor may refer the lot line adjustment, lot consolidation or lot merger/unmerger to the Planning Commission.

C. Parcel Map Waivers

1. *Findings for Waiver.* The City Surveyor and City Engineer, shall grant the application for a waiver of the parcel map only upon a finding that the proposed division of land complies with the requirements established by the Subdivision Map Act and this Title as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and such other requirements as therein set forth.
2. *Conditions.* The City Surveyor shall condition the waiver of a parcel map upon the filing of a tentative map as set forth in this Title conforming to the configuration of each parcel as approved by said Commission, and upon the filing of such documents as may be necessary to meet the requirements of the Subdivision Map Act or this Title including a signed and acknowledged statement satisfying all of the requirements of Section 66436 of the Subdivision Map Act and a certificate or statement satisfying the requirements of Section 66492 of the Subdivision Map Act.
3. *Effective Date; Appeal.* The decision of the City Surveyor to either grant or deny the application for the waiver of a parcel map shall be final and effective ten (10) days following its decision unless the applicant or any other interested person files a notice of appeal to the Planning Commission

within this time in accordance with the procedures as hereinafter set forth. An appeal shall stay the decision of the City Surveyor until final action by the Planning Commission.

D. Certificate of Compliance

1. *Review by Planning Commission.* If the matter of the issuance of a Conditional Certificate of Compliance is referred to the Planning Commission, the Zoning Administrator shall cause the matter to be placed on the next available agenda of said Commission. At the time set for discussion, the Planning Commission shall receive a written report from the City Surveyor setting forth the actions taken on the matter and the facts and circumstances relied upon in arriving at such decision together with any recommended conditions. The applicant or other interested party shall have an opportunity to present testimony orally and/or in writing. The Planning Commission, acting in the capacity of the City Surveyor, may direct the issuance of a Conditional Certificate of Compliance, or a Certificate of Compliance if no conditions are imposed, in accordance with the provisions of this Chapter, if it finds that the property was divided in violation of the Subdivision Map Act or this Title and that the proposed real property may be approved as not being contrary to the public health or the public safety. The Planning Commission may impose such conditions as may be authorized in accordance with Subsection C above. The Planning Commission shall have the right to continue the matter from time to time as is reasonable in order to obtain additional information as said Commission determines necessary.
2. *Effective Date; Appeal.* The decision of the City Surveyor or the Planning Commission acting in its capacity as City Surveyor shall be final and effective ten (10) days following the rendering of a decision, unless the applicant or other interested person files a notice of appeal to the City Council within this time in accordance with the procedures as hereinafter set forth. An appeal shall stay the decision until final action by the City Council.
3. *Notice of Appeal.* Notice of an appeal to the City Council of a decision of the City Surveyor or of the Planning Commission regarding the issuance of a Conditional Certificate of Compliance shall be filed by the applicant or any other interested party with the Planning Division within ten (10) days of such decision, together with such appeal fee as may be established in the City's fee resolution. The notice of appeal shall set forth the grounds of the appeal and the action or relief requested.
4. *Setting Matter for Review.* The Planning Division shall promptly forward the notice of appeal to the City Clerk, together with any appropriate staff reports and the decision of the City Surveyor or the Planning Commission

from which the appeal is made. The City Clerk shall set the matter for discussion on the City Council's next available agenda; provided, however, the matter shall be set for consideration within thirty (30) days of receipt of the notice of appeal and appeal fee.

5. *Review.* At the time set for discussion, the City Council shall receive a written report from the Public Works Department setting forth the facts and circumstances of the case and the decision of the City Surveyor or Planning Commission. The applicant or any other interested person shall have an opportunity to present testimony orally and/or in writing. The City Council may affirm, reverse, or modify the decision of the City Surveyor or Planning Commission. The City Council shall direct the issuance of a Conditional Certificate of Compliance, or a Certificate of Compliance if no conditions are to be imposed, if it finds that the property was divided in violation of the Subdivision Map Act or this Title and that the proposed real property may be approved as not being contrary to the public health or the public safety. The City Council may impose such conditions as may be authorized in accordance with Subsection C above. The City Council shall have the right to continue the matter from time to time as is reasonable in order to obtain additional information as said City Council determines necessary. The decision of the City Council shall be final and shall be effective immediately upon pronouncement of the decision. (Ord. 6968 §1, 2007)

#### **Section 18.150.110 Planning Commission Review.**

- A. Referrals to the Planning Commission from the Zoning Administrator or City Surveyor.
  1. An application for a parcel map, lot line adjustment, lot consolidation, lot merger/unmerger, parcel map waiver, certificate of compliance or time extension referred to the Planning Commission by the Zoning Administrator or City Surveyor shall be reviewed and acted upon by the Planning Commission acting in the capacity of Zoning Administrator or City Surveyor within sixty (60) days following the filing of the completed application with the Planning Division or Public Works Department in accordance with the following procedure:
    - a. *Notice.* Notice of the date, time, place and purpose of the public meeting before the Planning Commission shall be given by mailing a notice, not less than ten (10) days prior to the date of such hearing, to the owner of the subject property or to said owner's duly authorized agent and to the project applicant, and to each affected agency, and to all owners of real property as shown on the latest equalized assessment roll abutting the real property which is the subject of the hearing. Real property shall be considered abutting the subject property for the purpose of requiring notice if only separated by a public right-of-way and, except for such public right-

of-way, the real properties would be abutting.

- b. *Review.* At the time set for hearing, the Planning Commission shall receive a written report from the Zoning Administrator and/or City Surveyor setting forth the facts and circumstances of the case. The applicant and any other interested party shall have an opportunity to present testimony orally and/or in writing. The Planning Commission may conditionally approve or deny the application. For lot line adjustments or lot consolidations the Planning Commission may conditionally approve the application provided it finds that the parcels are contiguous, no additional parcels will be created, the resulting parcels comply with all applicable requirements of Title 19 of this Code unless in conjunction therewith modifications are approved pursuant to [Chapter 18.230 Modifications](#), and the proposed adjustment or consolidation and the resulting parcels comply with applicable requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this Title unless in conjunction therewith modifications are approved pursuant to [Chapter 18.230 Modifications](#).
- c. *Conditions.* The Planning Commission may impose conditions on the application. However, the City Planning Commission can only impose such conditions to its conditional approval of the lot line adjustment or to its conditional approval of the lot consolidation as may be necessary to conform to the City's Zoning and building regulations including those regulations applicable to the issuance of a building permit as set forth in [Section 13.16.060](#), to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure or easements. No tentative map, parcel map, or final map shall be required as a condition of the approval of a lot line adjustment or a lot consolidation.
- d. *Effective Date; Appeal.* The decision of the Planning Commission to conditionally approve or deny an application shall be final and effective ten (10) days following its decision unless the applicant or any other interested person files a notice of appeal to the City Council within this time in accordance with the procedures as hereinafter set forth. An appeal shall stay the decision of the Planning Commission until final action by the City Council.

B. Tentative Tract, Vesting and Reversion to Acreage Maps

- 1. The Planning Commission shall consider tentative tract and tentative vesting maps, the accompanying drawings and statements, and the report



and recommendations of the Subdivision Committee on the proposed subdivision within fifty (50) days of the filing of a complete application for the map and shall approve, conditionally approve, or disapprove the map and shall report its action in writing to the subdivider. Failure to act within said fifty (50) days shall be deemed approval of the tentative map insofar as it complies with other applicable requirements of this Title, Title 19, and other applicable provisions of the Municipal Code (California Government Code Section 66452.1 and 66452.4).

2. The Planning Commission action shall be based on conformity of the tentative tract or tentative vesting map with this Title, with other applicable Codes, Title 19, the quality of the design of the subdivision, compatibility with surrounding neighborhoods and the natural environment. The Planning Commission shall not approve a map unless it has found that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan.
3. The Planning Commission shall deny approval of the tentative tract or tentative vesting map if it makes any of the following findings:
  - a. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451;
  - b. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.
  - c. That the site is not physically suitable for the type of development;
  - d. That the site is not physically suitable for the proposed density of development;
  - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
  - f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
  - g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent

jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

If the map is disapproved by the Planning Commission, the subdivider shall be furnished with the statement of the reasons for such disapproval. If the map is conditionally approved, the subdivider shall be furnished with a complete statement of the conditions of approval.

**18.150.120 Acceptance of Dedications or Offers of Dedication on a Final Map.**

After execution of the City Engineer's certificate, either the City Manager or the City Council shall accept, accept subject to improvement or reject any and all dedications or offers of dedication.

**18.150.130 Notice of Decision.**

- A. A notice of decision shall be required for maps and permits in accordance with the provisions of this section.
- B. Within ten (10) days from the final action on an application, the Zoning Administrator or City Surveyor as appropriate shall send written notice of decision to the project applicant, other affected parties, and anyone who has requested to be notified. The notice of decision shall identify the specific action of the Approving and Appeal Authority, including the date of action, applicable conditions, basis for determination, and appeal period.
- C. The written decision of the City Surveyor to conditionally approve or deny the lot line adjustment, lot consolidation or lot merger/unmerger or to refer the application to the Planning Commission shall be issued within thirty (30) days after the filing of a complete application with the Planning Division. If the lot line adjustment, lot consolidation or lot merger/unmerger is to be referred to the Planning Commission, the Zoning Administrator shall cause the application to be placed on the next available agenda of said Commission and notice of the hearing before the Planning Commission to be given. The Planning Commission shall act in the capacity of the City Surveyor if the matter is referred to it by the City Surveyor.

**Chapter 18.210**

**Section 18.210.110 Sanitary Sewers.**

Sanitary sewers shall be required to the specifications of the serving agency for all land divisions. An exemption may be considered by the City Engineer provided all of the following conditions prevail:

- A. The subdivision is designated for single-family residential purposes only;
- B. All developable lots within the subdivision are at least one (1) acre in size;

- C. A viable point of connection to the sewer system does not exist as determined by the City Engineer;
- D. The Santa Ana Regional Water Quality Control Board (SARWQCB) has approved septic systems for the site; and
- E. The Riverside County Department of Environmental Health has reviewed and accepted the Onsite Wastewater Treatment System Report for Land Divisions pursuant to the applicable policies of the regulating agencies.

## **Chapter 220**

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### **Section 18.220.010 Improvements Required for Final Maps.**

- A. Before a final tract, vesting, reversion to acreage or parcel map is approved or complete all required improvements shall either be completed and accepted by the City or subject to a secured agreement as set forth in Section 18.220.020 below.
- B. The City will not accept the dedication of any streets, alleys, pedestrian ways, or public places shown on the map unless all the required improvements have been completed and accepted.
- C. If improvements are required to protect certain lots from drainage hazards, an agreement may require that those improvements shall be installed prior to those certain lots being sold. The developer shall be required to obtain written approval from the City's Public Works Department prior to the sale of those lots.

### **Section 18.220.020 Improvement Agreement and Security.**

- A. In the event an agreement is entered into for completion of improvements, the

agreement shall be secured by a good and sufficient improvement security in a form satisfactory to the City Attorney. "Improvement Security," as used in this Chapter, means one or more of the following:

- (1) A deposit or deposits made with the City or a responsible escrow agent of money or negotiable bonds of the kind approved for securing deposits of public moneys.
- (2) A bond or bonds by one or more duly authorized corporate sureties.
- (3) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the installation of the improvements and/or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.
- (4) A lien upon the property to be divided recorded with the Riverside County Recorder, if the City finds that it would not be in the public interest to require the installation of the required improvements sooner than two years from the recordation of the final map.
- (5) Any form of security, such as a deed of trust in favor of the City, executed by all of the owners of the property to be divided and recorded against the property with the Riverside County Recorder.

B. Said improvement security shall be in the amounts and for the following purposes:

- (1) faithful performance in the amount of one hundred percent (100%) of the total estimated cost of the improvements;
- (2) fifty percent (50%) of the total estimated cost of the improvements, securing payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvements; and
- (3) at least ten percent (10%) of the total estimated cost of the improvements for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

#### **Section 18.220.060 Work Required.**

The improvements required by this Chapter shall consist of all of the following work and such other work as may be required as a condition of acceptance of any street, alley, pedestrian way, easement, or other right-of-way:

- A. Grading and filling to approved grade, and construction of all necessary grade crossings, culverts, bridges and other related works;

- B. Construction and installation of all drains, drainage facilities, channel improvements and other drainage works required to provide adequate drainage for every lot and to protect all lots from flood or overflow by storm waters or floodwaters, in accordance with the approved plans for drains and drainage works;
- C. Construction and installation of concrete curbs and gutters on both sides of every street and on the proximate side of each existing or dedicated street bordering the subdivision. If a street is an extension of a turnaround or temporary turnaround, the bulbed portion shall be removed and the required improvements installed;
- D. Installation or provision for the installation of all sewer mains, including dry sewers when required by the Public Works Department, and all laterals required to serve each lot. When such facilities are located in a street, laterals shall be laid to the property line and a cleanout placed to serve each lot. All required facilities installed in a street shall be laid before the street is paved, and shall extend at least to the subdivision boundary;
- E. Installation of all utilities, utility lines and appurtenances, including water mains, fire hydrants, gas mains, telephone and electric lines, and all laterals and appurtenant equipment required to serve each lot. When such facilities are located in a street, laterals shall be laid to the property line of each lot. All required facilities installed in a street shall be laid before the street is paved, and shall extend at least to the subdivision boundary;
- F. Required utility lines, including but not limited to electrical, telephone, cable television, and street light service lines, providing service to all new property developments shall be placed underground. The subdivider is responsible for complying with the requirements of this section, and he shall make the necessary arrangements with the serving utility companies for the installation of such facilities. For the purpose of this subsection, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, ducts, street lighting or signal control cabinets, and other associated equipment in an underground system may be placed above ground. The Public Utilities General Manager may waive the requirements of this subsection if topographic conditions, soil or any other conditions make such underground installation unreasonable or impractical. A written justification for any such waiver shall be prepared and kept on file. This subdivision shall not apply to telephone transmission lines or electric transmission lines or other lines which do not provide service to the area being subdivided;
- G. Relocation or provision for the relocation of any underground or overhead utility, including irrigation lines, the relocation of which is necessitated by development of the subdivision;
- H. Installation of asphalt concrete pavement, base material, and seal coat in all existing or dedicated streets and alleys or portions thereof;

- I. Installation of concrete sidewalks adjacent to the curbline, except where this requirement is specifically waived; installation of concrete driveway approaches; and installation of concrete pavement for pedestrian ways;
- J. Planting or providing for the planting of trees of the variety, size and condition prescribed by the Park, Recreation and Community Services Department in accordance with the approved plans and specifications; removing and, where required by the Park, Recreation and Community Services Department, transplanting designated trees that are located in the line of construction of improvements; providing maintenance for all trees and landscaped areas until the same are accepted by the City;
- K. Installation or provision for the installation of street lights of approved design and illumination intensity in the locations and manner approved by the Public Utilities General Manager;
- L. Installation of all required street signs, including street name signs, warning signs, and regulatory signs where required;
- M. Construction and installation of street barricades where required;
- N. Where any boundary line of a subdivision is adjacent to or across a public street, alley or pedestrian way from an open and unfenced canal, storm channel, railroad, quarry, airport, or other hazardous facility, or adjacent to unimproved land capable of division or development, or productive agricultural land, construct a six-foot chain link fence or masonry wall or barrier, separation or the like to the specifications of the Planning and Public Works Departments along such subdivision boundary line, or construct the equivalent length of fence or wall along the nearest right-of-way line of such canal, channel, railroad, airport, or other hazardous facility;
- O. Construction of such acceleration and deceleration lanes and traffic channelization devices in streets as are deemed necessary by the Public Works Department to control traffic;
- P. All work and improvements contemplated by and performed under the provisions of this Title shall be accomplished so as to minimize interference with and coordinate with other construction activities or developments of or on behalf of the City and nearby private development.

**Section 18.220.120 Preinstalled Improvements.**

If the subdivider completes all improvements required by this Title prior to approval by the City of the final map or parcel map the subdivider shall be required, in addition to any other requirements of this Title, to provide the City with an improvement security in form acceptable to the City Attorney to guarantee the maintenance of the work required by this Title, until completion

of the final map, against any defective work or labor done or defective materials furnished or damage occurring during map construction. The penal sum of this security shall be in the amount of ten percent (10%) of the estimated cost of all improvements required by this Title, which cost shall be ascertained by the City Engineer; but in no event shall said penal sum be less than three hundred dollars (\$300).

## **Chapter 18.260**

### **DEFINITIONS**

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**18.260.010 Purpose and Applicability.**

For the purposes of the Subdivision Code, certain words, phrases and terms used herein shall have the meaning assigned to them by this Article, except that definitions derived from State and Federal regulations that are referenced herein shall have the meaning contained in the referenced regulations.

For general terminology used throughout the Subdivision Code, refer to [Section 18.060.030 Rules and Interpretations](#). For terminology used in the Subdivision Code but not defined in this Title,

the definitions used elsewhere in the Riverside Municipal Code, the Building Code or accepted dictionaries of the English language shall govern.

#### **18.260.020 “A” Definitions**

Advisory Agency	means the Approving and Appeal Authority charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority to approve, conditionally approve or disapprove maps or permits pursuant to this Title.
Alley	means a public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
Arterial street	means a street which, because of its design and location with respect to other streets and other sources of traffic, is used to carry relatively heavy volumes of traffic through the City and between districts of the City, or as an approach to a freeway. See the <a href="#">Master Plan of Roadways</a> for the location of arterial streets in the City.

#### **18.260.030 “B” Definitions**

Block	means an area of land within a subdivision entirely bounded by streets, or bounded in part by streets and in part by the exterior boundary of the subdivision. <i>See definition in Title 19.</i>
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#### **18.260.040 “C” Definitions**

City Engineer	Is the duly appointed Engineer for the City of Riverside or his/her acting designee..
City Surveyor	is the duly appointed Surveyor for the City of Riverside or his/her acting designee.
Collector Street	means a street for traffic moving between arterial and local streets, generally providing direct access to properties. <i>See definition in the General Plan.</i> See the <a href="#">Master Plan of Roadways</a> for the location of collector streets in the City.
Community & Economic Development Department Director	means the duly appointed and acting head of the Community & Economic Development Department - Planning Division



Community Apartment Project means a development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon (California Civil Code § 1351 (d)).  
*See definition in Title 19.*

Condominium Map See [Tentative Condominium Map](#).

Condominium Project means a development consisting of condominium units established in conformance with State law. See definition in *Title 19 and the General Plan*.

Cul-de-sac means a street having only one outlet for vehicular traffic and ending in a turnaround.

#### **18.260.050 “D” Definitions**

Design means:

- A. Street alignments, grades and widths;
- B. Drainage and sanitary facilities and utilities, including alignments and grades thereof;
- C. Location and size of all required easements and rights-of-way;
- D. Fire roads and firebreaks;
- E. Lot size and configuration;
- F. Traffic access;
- G. Grading;
- H. Land to be dedicated for park or recreational purposes; and
- I. Such other specific requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

Designated Remainder means a portion of any unit or units of improved or unimproved land which is not divided for the purpose of sale, lease or financing.

#### **18.260.060 “E” Definitions**

Environmental Subdivision [See Tentative Environmental Subdivision Map](#).

#### **18.260.070 “F” Definitions**

Flag Lot See [lot, corridor access](#).

Freeway means a divided highway for through traffic with full control of access, with grade separations at all intersections and in respect to which the owners of abutting lands have no direct

right or easement of access to or from their abutting land. A freeway is not a street for the purposes of this Title.  
*See definition in Title 19.*

Frontage Road

means a street which, for its entire length, borders on another street with which it has a common side line, and to which it is accessory, and which provides access to abutting properties and separation from through traffic. The term also includes service road and border road.

#### **18.260.080 “G” Definitions**

General Plan

means the General Plan of the City of Riverside, adopted pursuant to the California Government Code Section 65301 et seq. and adopted by the Riverside City Council. *See definition in the General Plan.*

#### **18.260.090 “H” Definitions**

Highway

means a major or arterial street.

#### **18.260.100 “I” Definitions**

Improvement

refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of a final or parcel map. "Improvement" also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of the general plan or any specific plan.

#### **18.260.110 “J” Definitions**

#### **18.260.120 “K” Definitions**

#### **18.260.130 “L” Definitions**

Linkages

means open space connection for purposes of habitat connectivity, trail connection or a combination of the two. A linkage that provides habitat connectivity will be a connection between habitat area with adequate size, configuration and vegetation characteristics to generally provide habitat for subject wildlife and plant species. A linkage may include sufficient area to buffer the linkage use from surrounding land

uses; linkage buffers may serve as flood overflow areas or other uses compatible with the site specific purpose of the linkage. Dimensions of a linkage will depend on site-specific linkage purposes and available open space. See definition in the General Plan.

**Local Street** means a street providing direct access to properties and designed to discourage through traffic.

**Lot** means a legally recognized parcel of land abutting on one or more streets.

**Lot Consolidation** means the merger of existing lots or parcels into fewer lots or parcels.

**Lot, Corridor Access** means a lot with access to a street by means of a corridor having less than the required lot width. The term also includes flag lot and panhandle lot. For information on the development standards for a corridor access lot see 18.210.080 E.

**Lot, Cul-de-sac** means a legally recognized parcel of land substantially abutting the bulb portion of a cul-de-sac street. The amount of frontage needed at the bulb will be determined by the Approving Authority.

**Lot Line Adjustment** means the modification of a boundary line or lines between two or more existing adjacent lots or parcels where no additional lots or parcels are created.

**Lot, Reverse Frontage** means a lot bordering on streets along both its front and rear property lines, also referred to as through lot, backup lot, and double frontage lot.

**Lot, Side-on** means a lot which sides on a highway and fronts on a minor street, cul-de-sac, or other highway.

#### **18.260.140 “M” Definitions**

**Median** means a strip of land within a street right-of-way designed to separate opposing lanes of traffic, which may be designed to be planted with trees or otherwise landscaped, and which may provide stacking space and protection for vehicles about to make left turns.

#### **18.260.150 “N” Definitions**

**Nonaccess Barrier Strips** means a strip of land generally one (1) foot in width at the terminus of a public street where said street abuts an adjacent

undeveloped parcel. Said strip is offered but not accepted for dedication as a public street and therefor prohibits access to the undeveloped parcel until such time as the parcel is developed in accordance with City standards. At that time the City accepts the barrier strip as a public right-of-way thereby granting access to the adjacent parcel.

Not A Part (NAP)

see [Designated Remainder](#).

## **18.260.160 “O” Definitions**

## **18.260.170 “P” Definitions**

Panhandle Lot

See lot, corridor access.

Parcel Map

see [Tentative Parcel Map](#).

Parkway

means the landscaped area lying between the curb of an improved street and the sidewalk when the sidewalk is located at the property line. The area along a curb is generally reserved for parallel parking hence the term parkway.

Pedestrian Way or Walkway

means a public way designed for use by pedestrians which is not intended for use by automotive vehicles of any kind, is not located within a street right-of-way, and whose width is typically between 4 feet and 20 feet.

Planned Street Line

means the boundary line of a street, determined on the basis of the general plan or a specific plan, and adopted by the City Council to establish the planned maximum width of an existing street or to establish the ultimate right-of-way of a proposed street.

Planting Strip

means a strip of land within a street right-of-way which separates the roadway from a sidewalk and/or a property line, or a strip of land within a street right-of-way which is designed to separate a frontage road from a highway, and which in either case is to be planted with trees or otherwise landscaped.

Private Drive

means a secondary source of vehicular access and limited internal circulation contained within a residential project with the intention of providing access to off-street parking areas and various other project facilities and solely under private ownership.

Private Street

means a primary source of vehicular access and internal circulation contained entirely within in a residential

development and solely under private ownership.

Public Right of Way

means any place which is dedicated to use by the public for pedestrian and vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, median, highway, alley, lane, mall court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, park square, and other similar public way. (Ord. 6968 §1, 2007)

**18.260.180 “Q” Definitions**

**18.260.190 “R” Definitions**

Reversion to Acreage Map

see [Tentative Reversion to Acreage Map](#).

**18.260.200 “S” Definitions**

Safety Lighting

means the level of light necessary for nighttime safety of outdoor areas.

Sidewalk

means a paved way designed for use by pedestrians which is typically located within a street’s right-of-way between a landscaped planting strip and an individual property line.

Slope, Average Natural

means the average natural inclination of the ground surface of a lot or parcel expressed as a percent and as measured by the formula indicated in Section 19.100 of the Zoning Code.

Specific Plan

means a tool authorized by Government Code §65450, et. seq. For systematic implementation of the General Plan for a defined portion of a community's planning area. A specific plan must specify in detail the land uses, public and private facilities needed to support the land uses, phasing of development and use of natural resources and a program of implementation measures., including financial measures pursuant to Government Code 65451. *See definition in Title 19.*

Stacking Space

means a space within the traveled roadway of a street designed to provide a protected rest space for vehicles awaiting a through or turning movement at a street intersection.

Street

means a public way or City approved private way designed primarily for vehicular traffic, whether designated as a street, arterial, highway, thoroughfare, road, avenue, boulevard, lane, place, or other designation, but not including an alley.

Street, Curve	means a street where the deflection in the street direction causes the need for a centerline radius of 20 to 60 degrees for topographical or design needs of the subdivision. Curvilinear streets are not street curves for purposes of this definition.
Street, Knuckle	means the area where two streets meet in termination and the angle of deflection between the two centerlines of the streets range from 60 to 100 degrees. For reference see City Standard Drawing Number 104.
Stock Cooperative	<p>means a development in which a corporation hold Title to, either in fee simple or for a term of years, improved real property, a majority of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property. The owners' interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of subdivision (f) of Section 25100 of the Corporations Code.</p> <p>A "stock cooperative" includes a limited equity housing cooperative which is a stock cooperative that meets the criteria of Section 33007.5 of the Health and Safety Code. <i>See definition in Title 18.</i></p>
Subdivider	means a person, firm, corporation, partnership or association which proposes to divide, divides, or causes to be divided real property into a subdivision for themselves or for others, except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."
Subdivision	<p>means the division of any improved or unimproved land, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1350 of the California Civil Code, or a community apartment project, as defined in Section 11004 of the California Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels. "Subdivision" shall not include the financing or leasing of apartments, offices, stores</p>

or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks; mineral, oil or gas leases; or land dedicated for cemetery purposes under the Health and Safety Code of the State.

#### **18.260.210 “T” Definitions**

Tentative Condominium Map means a map of a [condominium project](#), [community apartment project](#) or the conversion of five or more existing dwelling units to a [stock cooperative](#).

Tentative Environmental Subdivision Map means a subdivision of land pursuant to this division for biotic and wildlife purposes that meets all of the conditions specified in subdivision [18.080.080 Tentative Environmental Subdivision Maps](#).

Tentative Map means tentative tract, parcel, vesting, reversion to acreage, condominium and environmental subdivision maps.

Tentative Parcel Map means a map made for the purpose of showing the design and improvement of a proposed subdivision pursuant to A -(1-5) of [18.080.030 Tentative Tract Maps Required](#) of this Title and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

Tentative Reversion to Acreage Map means a map of subdivided real property to be reverted to acreage.

Tentative Tract Map means a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property (California Government Code § 66424.5).

Tentative Vesting Map means a map which meets the requirements of a Tentative Tract Map and §§ 66452 of the California Government Code (California Government Code § 66424.5).

Trails means hiking, biking or equestrian trails, as indicated in the General Plan or a Specific Plan, and as further defined by the City during the development review process.

#### **18.260.220 “U” Definitions**

#### **18.260.230 “V” Definitions**

Vertical Subdivision	means a subdivision in which the air space above the property is divided for the purpose of sale or for the conveyance of an undivided interest coupled with the right of exclusive occupancy. The term also includes condominium projects as defined in California Civil Code Section 1350, and community apartment projects as defined in California Business and Professions Code Section 11004.
Vesting Map	see <a href="#">Tentative Vesting Map</a> .
<b>18.260.240 “W” Definitions</b>	
<b>18.260.250 “X” Definitions</b>	
<b>18.260.260 “Y” Definitions</b>	
<b>18.260.270 “Z” Definitions</b>	
Zoning Administrator	The Community & Economic Development Department Director or his or her designee who is authorized to act as the Zoning Administrator according to the procedures set forth in the California Government Code and this Title. <i>See definition in Title 19.</i>