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**APPENDIX M – LANDSCAPE WATER ORDINANCE**

## **Title 12**

### **STREETS, SIDEWALKS AND PUBLIC PLACES**

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- 12.08 LANDSCAPE DESIGN AND INSTALLATION**
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## Chapter 12.04

### ENCROACHMENT AND BANNER PERMITS

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#### Section 12.04.010 Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

"Banner" means any cloth or bunting attached to poles or otherwise suspended in the public airspace along or crossing a street or public right-of-way for the purpose of calling public attention to a place or event.

"Banner permit" means a type of encroachment permit issued by the director to allow suspension of a banner in the public airspace along or crossing a street or public right-of-way.

"Department" means the department of public works of the city.

"Director" means the director of public works of the city, or his duly authorized representative.

"Drive approach" means that portion of a driveway within the public right-of-way.

"Commercial drive approach" means any drive approach that is not a "residential drive approach" as defined in this article.

Drive Approach, Residential. "Residential drive approach" means any drive approach serving any property which is used solely as a private residence of one, two or three single-family dwelling units including duplexes, triplexes which are not used as retail outlets.

"Encroachment" means any excavation, structure or object of any kind or character, temporary or permanent, made, placed or allowed to enter, grow or encroach upon, over or under any city street or right-of-way.

"Encroachment permit" means a permit issued by the director allowing an "encroachment" as defined above.

"Facility" means any structure or object of any kind or character which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any city right-of-way.

"Fence" means any obstruction of whatever material or composition which is designed, intended

or used to protect, defend or obscure the interior property of the owner thereof from the view, trespass or passage of others upon such property.

"Permittee" means any person who has been issued an encroachment permit by the director.

"Person" means any individual, public or private corporation, or association, political subdivision, partnership, firm, trust, estate, institution, governmental agency or public or private utility or any other legal entity.

"Right-of-way" means all land or interest therein which by deed, conveyance, agreement, easement, license, dedication, usage or process of law is reserved for or dedicated to the use of the general public for road or highway purposes.

"Sidewalk" means any portion of a street, other than that part used for vehicular traffic, and set apart by curbs, barriers, markings or other delineation for pedestrian travel.

"Specifications" means the construction standards and standard specifications of the city as required by this chapter or imposed as a condition of any encroachment permit.

"Street" means any right-of-way or easement for street, road, alley, highway, lane, court or other public access purposes to which title is vested in the city.

"Tree" means any growing plant exceeding ten feet of height, whether growing singly or as a hedge.

"Unauthorized encroachment" means the commission by any person of any type of enforcement without a valid permit to do so, or an encroachment which exceeds or otherwise violates the terms or conditions of any valid permit.

"Utility" means a private company and/or corporation or municipal department engaged in providing a particular service to the general public. (Prior code § 7-1.01)

#### **Section 12.04.020 Excavations--Bond required.**

It is unlawful for any person to dig or excavate for any purpose whatever in any of the public streets, alleys, sidewalks or squares of the city without first depositing with the city clerk a cash bond in the amount of twenty-five dollars (\$25.00). Such bond shall insure the proper refilling and repairing of any street, alley, sidewalk or square dug or excavated and shall be an acknowledgement of the right of the city to use such bond for the purpose of properly refilling and repairing any street, alley, sidewalk or square dug or excavated in the event of the failure of the person depositing such bond to so properly refill and repair such street, alley, sidewalk or square. (Prior code § 7-3.01)

#### **Section 12.04.030 Encroachment permits.**

A. Permit Required. No person or their contractors or subcontractors shall make or cause to be made any encroachment without first obtaining from the director a permit to do so.

B. Limitation of Activities. All activities within any street or right-of-way under the terms of any permit shall be done in conformance with the requirements of this chapter applicable to all permits. Any activity done in violation of such requirements shall be grounds for the immediate revocation of the permit by the director. Any permit shall be subject to such conditions as the director finds necessary for the protection of the public or the street or right-of-way. Any opening or excavation made under the authority of a permit shall not exceed four feet in width or twenty-five (25) feet in length, except that this limitation shall not apply to emergency work as identified below. (Prior code § 7-1.02)

#### **Section 12.04.040 Special encroachment permits.**

A. Emergency Work. Any person may perform emergency work or maintenance without first securing an encroachment permit, provided the director is notified of the needed work or maintenance and consents thereto prior to commencement of the work or maintenance. "Emergency" as

used herein shall mean any unforeseen work or maintenance requiring immediate action to prevent injury to persons or property. The person shall apply to the director for an encroachment permit on the next day that the offices of the director are open for business.

B. Annual Permit. An annual encroachment permit may be issued which allows the holder thereof to accomplish work and maintenance including, without limitation, the replacing or repairing of any facility within the city street or right-of-way and for tree trimming for overhead utilities without necessity for obtaining a permit for each such encroachment activity.

Utility poles, wires, cables and other related appurtenances thereto may be installed under the provisions of an annual permit; except that no facilities other than overhead wire and cables shall be placed within the traveled portion of any city street or traveled portion of any city right-of-way.

C. Banner Permit. A banner permit may be issued to erect or install or maintain a banner extending over, along or across any street or right-of-way.

D. Central Business District Permits. Any person intending to use more than one parking space for any purpose whatsoever, within the central business district of the city, as identified by the city, at any given time, must first obtain an encroachment permit from the director. (Prior code § 7-1.03)

#### **Section 12.04.050 Permits--Applications.**

Application for any permit shall be made in writing to the director on a form provided by the department of public works. Such application shall be accompanied by plans sufficient to show the scope of the proposed encroachment. Such plans may be waived by the director whenever he determines that the nature and scope of the proposed encroachment do not require plans. (Prior code § 7-1.04)

#### **Section 12.04.060 Permits--Fees.**

Fees for permits shall be as established by city council resolution. (Prior code § 7-1.05)

#### **Section 12.04.070 Permits--Terms.**

Any permit issued pursuant to this chapter shall provide that the permittee will pay the entire expense of replacing the street or other improvements in the right-of-way in as good or better condition as existed before conducting work under the permit and shall include such other conditions deemed necessary by the director for the protection of the public or the street or right-of-way.

A. Beginning of Work or Use. The permittee shall begin the work or use authorized by the permit issued pursuant to this chapter within thirty (30) calendar days from the date of issuance, unless a different period is stated in the permit. If the work or use begun within thirty (30) calendar days, or within the time stated in the permit, then the permit shall become void, unless before its expiration date, the time for beginning work has been extended in writing by the director.

B. Completion of Work. The permittee shall complete the work or use authorized by a permit within the time specified in the permit. If at any time the director finds that delay in beginning, prosecuting or completing the work or use is due to lack of diligence by the permittee, he may cancel the permit and the permittee shall restore the street or right-of-way to its former condition. In the alternative, the director may determine in his discretion, that the city may restore the street or right-of-way and the permittee shall reimburse the city for all expenses, including overhead, incurred by the city in restoring the right-of-way within five days of demand therefor by the director. (Prior code § 7-1.06)

#### **Section 12.04.080 Permit not assignable or transferable.**

A permit shall not be assignable or transferable except to a person who becomes the successor in

interest, with respect to the encroachment, of the person who originally obtained the permit. All obligations, responsibilities and other requirements of the permittee as described in this chapter shall be binding upon the person who becomes the successor to the original permittee. (Prior code § 7-1.07)

**Section 12.04.090 Encroachment changes.**

No changes shall be made in the location, dimensions, character or duration of the encroachment or the use granted by the permit, except on written authorization by the director. (Prior code § 7-1.08)

**Section 12.04.100 Relocation or removal of encroachment.**

Every permit issued to a permittee shall state that if the future improvement of the street or right-of-way necessitates the relocation or removal of any encroachment, as determined by the director, the permittee will relocate or remove such encroachment at no expense to the city. In said event, the city shall give the permittee, by mail or personal service, its written demand specifying that the encroachment must be removed from the street or right-of-way or, if to be relocated within the street, the place of such relocation. Service by mail shall be complete upon deposit with the United States Postal Service addressed to permittee at his last address given to the city, postage prepaid. The director shall specify the time within which the removal or relocation must be completed. (Prior code § 7-1.09)

**Section 12.04.110 Action for removal expense.**

The department may remove, or cause to be removed, any encroachment upon the failure of the permittee to comply with a notice or demand of the director under the provisions of Section 12.04.100 and the permittee shall, within five days of the date of demand from the director, reimburse the city the entire cost of such removal or relocation. (Prior code § 7-1.10)

**Section 12.04.120 Abatement of unauthorized encroachments.**

Should the director determine that an unauthorized encroachment exists, such unauthorized encroachment shall constitute a public nuisance and the director shall notify the person who owns, located or constructed the unauthorized encroachment and require that the unauthorized encroachment be removed within the time period identified in said notice. Should such person refuse or fail to remove the unauthorized encroachment within the time period designated, the city may remove the unauthorized encroachment and the person who owns, located or constructed the unauthorized encroachment shall reimburse the city the full cost of such removal within five days of demand thereof by the director. In the alternative, the city may commence an action in the appropriate court to abate the unauthorized encroachment as a public nuisance, requesting the appropriate equitable relief to require the removal of the unauthorized encroachment and seeking any other remedy available to it in law or equity. Any judgment or other decision made by the court on behalf of the city shall include an award of all the attorney's fees and costs incurred by the city in the action. (Prior code § 7-1.11)

**Section 12.04.130 General regulations for encroachment permits.**

A. Protection of Utilities. The permittee shall be aware of the existence and location of all surface or underground facilities existing in the area where the encroachment will occur and shall be responsible for protection of such facilities from damage caused by its activity. Permittee shall provide and install suitable safeguards approved by owner of such facilities, to support, sustain and protect such facilities which may in any way be affected or subject to damage by the activities of the permittee. All

damage to facilities shall be reported promptly to the owner thereof and to the director. No such damage shall be repaired by the permittee unless the facility owner authorizes such repair. Any relocation of an existing facility shall be done only by or under the immediate supervision of the facility owner. The cost of moving existing facilities shall be determined by negotiation between the permittee and the facility owner.

B. Hold Harmless Clause. The permittee shall indemnify and hold harmless the city and all of its departments, officers, employees, representatives and agents, from any liability, responsibility or claims, of every kind and nature, including, without limitation, attorneys' fees and costs arising out of or in any way related to any act or omission to act by permittee, its employees, agents, representatives and independent contractors.

C. Defective Work and Materials. Except as otherwise provided in this chapter, any work or materials which do not conform to the permit plans, if any, or any applicable State of California Standard Specifications or the city specifications within the time period established by the director, be removed and replaced by the permittee so as to conform to said permit plans, if any, and the applicable state of California Standard Specifications and the city specifications.

D. Default of Permittee. By applying for and obtaining a permit, pursuant to this chapter, the permittee agrees that if the permittee fails to comply with the terms of the permit or to perform or complete the work according to the plans, if any, the applicable state of California Standard Specifications and the city specifications, or fails to comply with any provisions of this chapter or any other federal, state or local law or ordinance, the city may elect to perform and complete the work by any method the director deems appropriate and the permittee shall reimburse the city for the full cost thereof within five days of demand therefor from the director.

E. Protection of Traffic. The permittee, in the conduct of the worker use or maintenance of an encroachment authorized by a permit issued under this chapter, shall provide, erect or maintain the lights, barriers, warning lights and other safeguards necessary to protect the traveling public in accordance with Sections 21400 and 21401 of the Vehicle Code of the state. If at any time the director finds that suitable safeguards are not being provided, the city may take whatever steps it deems necessary to establish suitable safeguards or may cancel the permit and restore the right-of-way to its former conditions. The permittee shall reimburse the city any and all costs incurred by the city pursuant to this subsection within five days of the demand therefor from the director.

F. Minimum Interference with Traffic. All work allowed under a permit shall be planned and carried out so that there will be the least possible inconvenience to the traveling public. Permittee is authorized to place flagmen to stop and warn traffic for necessary protection to public safety, but traffic shall not be unreasonably delayed. Complete closure of a street or right-of-way shall not be permitted unless authorized in writing by the director. (Ord. 96-18 § 46, 1996; prior code § 7-1.12)

#### **Section 12.04.140 Construction, laying or maintaining of water or sewer pipelines, storm drains, conduits or other underground utilities.**

A. Excavation. The excavation of all trenches running parallel to the existing pavement shall be conducted on only one side of the pavement at a time and shall not exceed six hundred (600) feet in length at any one time, and no excavation shall be started on the opposite side of the street or right-of-way until the trench first excavated has been filled, compacted and surfaced as required herein or as specified in the permit. This restriction is not intended to prohibit such excavations as may be required for boring a pipe, conduit or other object underneath a street or right-of-way. All trench excavation shall comply with the city public works standard specifications and construction standards unless provided otherwise by permit conditions.

B. Backfill. Backfill in all trenches shall be in accordance with city public works construction standards and standard specifications unless provided otherwise by permit conditions. The director will require soils tests to be furnished to the department by a recognized soils testing laboratory

or registered professional engineer specializing in soils mechanics. In such cases, resurfacing will not be permitted unless such tests show that the trench has been compacted in conformance with the city construction standards.

All expense of such tests shall be borne by the permittee. It shall be the responsibility of the permittee to properly maintain refilled trenches in accordance with the permit.

C. Failures, Settlements. In determining proper maintenance of refill trenches, the following criteria shall be used to define a failure:

1. In the traveled way, a depression of one-fourth inch per two feet of trench width below the average of the sides of the uncut portion; and

2. Along the outside edge of the shoulder section a minimum of four feet from edge of traveled way of an unsurfaced road, a depression of three-quarters of an inch below the average of the side of the uncut portion.

Whenever failures are detected and the director notifies the permittee of the failure, said permittee shall correct all such failures within ten calendar days from the date of the written notice from the director unless otherwise authorized in writing by the director. If permittee does not correct all failures, within the time allowed, the director shall take whatever steps he deems necessary to correct the failures. The permittee shall reimburse the city for all costs in any way associated with correction of said failures. Reimbursement shall be made within five days from the date of demand from the director.

D. Repavement of Trenches. Minimum restoration of the street or right-of-way shall consist of placing ten inches of Class 2 aggregate base material and three inches of asphalt concrete pavement over all excavations. Restoration shall begin after approval of the backfill compaction by the authorized city inspector. All materials and methods employed shall conform to the city standard specifications. Prior to placing asphalt concrete surfacing, the existing pavement longitudinally along both sides of the trench shall be cut in a neat line six inches minimum back from the outside edges of the trench and removed, in order to provide a key. The top three inches of the trench shall consist of asphalt concrete pavement. Paved restoration surfacing for the trench higher than one-quarter of an inch per two feet of trench width above the edge of the existing surfacing shall be deemed improper backfilling and shall be reconstructed to the tolerance specified above.

The above-mentioned tolerance need not be adhered to for temporary work which will have a duration of less than thirty (30) calendar days, provided that at no time shall the temporary surfacing exceed twice the above-mentioned tolerances. Where the existing street or right-of-way does not have an oiled surface, asphalt concrete surfacing may not be required. (Prior code § 7-1.13)

#### **Section 12.04.150 Construction of concrete curb, gutters and sidewalks.**

A. Sidewalk Construction. No sidewalks shall be constructed unless concrete curbs are first constructed.

B. Engineering or Inspection Fee. An applicant for a permit to construct curb, gutter and/or sidewalk shall pay a fee as established by resolution of the city council.

C. Notification of Work. The department of public works shall be notified twenty-four (24) hours in advance of pouring concrete to permit inspection of subgrade and forms.

D. Traffic and Safety. Where construction operations encroach upon the street or right-of-way safety procedures as established by the director will be required for proper traffic control and the convenience and safety of the public.

E. Access to Adjacent Properties. The permittee shall provide access to all properties adjacent to the street or right-of-way at all times.

F. Damage to Right-of-Way Improvements. Existing street or right-of-way pavement, curb and gutters and structures, suffering damage from construction operations under any permit issued, shall be restored to original condition by the permittee prior to completion of permittee's project. All dirt and debris resulting from the permittee's operations shall be removed from the construction area.

G. Construction Standards. All work shall be in conformance with the city standard specifications and construction standards. (Prior code § 7-1.14)

**Section 12.04.160 Residential and commercial drive approaches.**

A. Construction. No commercial or residential drive approach shall be constructed unless concrete curbs are first constructed.

B. Construction Standards. All work shall be in conformance with the city standard specifications and construction standards.

C. Special Requirements. The director may require, as a condition for issuing an encroachment permit for a commercial or residential drive approach, that the applicant improve the structural section of the shoulder area between the existing pavement and the street or right-of-way line. The permittee may also be required to construct a concrete curb and gutter on the curb line and provide a walkway area for the entire length of his property abutting the street or right-of-way. The structural section shall be determined by the director.

D. Relocation of existing encroachments. Arrangements for the necessary removal or relocation of any public utilities, structures, trees, plantings or other existing encroachments shall be made by the permittee prior to commencing any work. Such removal or relocation shall be accomplished at no expense to the city. (Prior code § 7-1.15)

**Section 12.04.170 Annual permits.**

A. The following organizations may apply for an annual permit:

1. Any organization having facilities situated in the city that is regulated by the Public Utilities Commission of the state of California;

2. Any organization holding a franchise from the city or a franchise from the state of California;

3. A special district organized under the laws of the state of California and having facilities situated in the city.

B. Term of Annual Permit. The term of an annual permit will commence July 1st of each year and will terminate June 30th of the following year except that the term of permits issued prior to July 1, 1991, shall have a term commencing the date of issuance and terminating on June 30, 1991.

C. Fees for annual permits shall be established by city council resolution. All annual permit fees shall be paid on July 1st of each respective year except that the fee for permits issued prior to July 1, 1991, shall be paid on the date of issuance of the permit and will be prorated consistent with the term of the permit. (Prior code § 7-1.17)

**Section 12.04.180 Regulations for banner permits.**

The following regulations shall be applicable to all banner permits issued pursuant to the provisions of this chapter:

A. It is unlawful for any person to erect, install or cause to be erected or installed, a banner extending over, along or across any street or right-of-way without first obtaining a banner permit thereof or in violation of the terms or conditions of such permit.

B. Banner permits shall be issued by the director only upon a written application therefor. Application forms shall be furnished by the city which shall specify the following:

1. The name and address of the applicant;

2. The location, dimensions and purpose of the proposed banner;

3. A facsimile of the proposed banner, including any legend or written matter;

4. The proposed date and time when the banner is to be erected and/or installed and

removed; and

- 5. Such other information as the director may require.
- C. Permits shall be issued only to civic organizations or public agencies for the purpose of bringing to the attention of the public, events which are of a general public interest. No permit shall be issued to further political, religious or private purposes.
- D. No permit shall be issued for a period in excess of thirty (30) days.
- E. The city shall hang and remove any banner which crosses streets or rights-of-way for which a permit has been issued in accordance with the provisions of this chapter. The city shall remove all banners and may do so at any time prior to the date so stated in the application, should the necessity arise.
- F. The banner must be constructed as described in the application and in conformance with city Standard Drawing GE-53.
- G. Any activity done in violation of these requirements or any other requirements as established by the director shall be grounds for immediate revocation of the permit by the director. Upon revocation, the permit will be immediately removed by the city. Any permit shall be subject to such conditions as the director finds necessary for the protection of the city and the public. (Prior code § 7-1.18)

**Section 12.04.190      Violations--Penalties.**

- A. Violations and Penalty. Every person, whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any provision of this chapter, shall be guilty of an infraction and upon conviction thereof shall be punished in accordance with the Penal Code of the state of California regarding infractions. See Section 1.20.010.
- B. Validity. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The council of the city declares that it would have passed this chapter with each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Prior code § 7-1.16)

## Chapter 12.08

### LANDSCAPE DESIGN AND INSTALLATION

#### Sections:

- 12.08.010**      **Statement of purpose.**
- 12.08.020**      **Applicability.**
- 12.08.030**      **Definitions.**
- 12.08.040**      **Implementation.**
- 12.08.050**      **Submittal requirements.**
- 12.08.060**      **Planting design requirements.**
- 12.08.070**      **Irrigation design requirements.**
- 12.08.080**      **General landscape design requirements.**
- 12.08.090**      **Model home landscape requirements.**

#### **Section 12.08.010**      **Statement of purpose.**

The purpose of these regulations is to establish standards and procedures for landscape designs and installations which are publicly and privately owned and maintained. The intent of these regulations is to develop guidelines for landscapes which utilize reasonable amounts of water and maintain design freedom. To this end, the regulations call for reduced water consumption, responsible landscape design, water efficient landscape irrigation practices and responsible landscape maintenance. These regulations are hereby incorporated by this reference into the city's existing procedures for checking landscape and irrigation plans as part of the building permit process. (Prior code § 7-2A.01)

#### **Section 12.08.020**      **Applicability.**

These regulations shall be applicable to all new and rehabilitated landscaping for commercial, industrial, institutional, multifamily residential, public and private recreational/open space areas, roadways, medians and model home complexes. These regulations shall apply to any such projects for which a building permit is issued after January 15, 1993.

Projects that are exempted from, but encouraged to use this section as a guideline, are single-family residential landscapes. Additionally, the director of public works may exempt any project from specific regulations due to specific conditions associated with the project so long as the project is in substantial compliance with these regulations. (Prior code § 7-2A.02)

#### **Section 12.08.030**      **Definitions.**

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

"Amendment" means any material added to the soil to alter the pH or improve the physical properties of the soil.

"Controller" means an automatic timing device with enclosure, which signals remote control irrigation valves to open and close on a pre-set program.

"Cycle" means the complete operation of an irrigation controller station.

"Drip irrigation" means surface or subsurface irrigation systems which apply water through low volume emitters,

"Flow rate" means the amount of water in gallons that an irrigation system discharges through a valve usually measured in gallons per minute (gpm).

"Grading" means earthwork performed to alter the natural contours of an area to be planted.

"Hardscape" is defined as paving (decks and patios) and hard surfaces which are part of the calculated total landscape area.

"Irrigation system" means a complete connection of system components, including the water source, the water distribution network, and the necessary irrigation equipment.

"Median" means a planted area which separates two roadways or divides a portion of a road into two or more lanes.

"Mulch" means materials such as bark or sawdust placed on the soil surface to retain moisture, retard weed growth, or prevent erosion.

"Overspray" means water which is discharged from a spray irrigation head which is outside the desired planting area.

"Point of connection" means the point at which an irrigation system connects (P.O.C.) into the public water system. This is usually near the point at which the meter is located or will be installed.

"Precipitation rate" means the amount of water in inches (P.R.) that an irrigation system discharges, usually measured in inches per hour.

"Rehabilitated landscape" means any planting area in which landscape materials are replaced or modified. Examples include a change of landscape, installation of a new irrigation system, and grading modifications.

"Remote control valve" means a valve (R.C.V.) in an irrigation system which is activated by an automatic electric controller via an electric control wire.

"Right-of-way" means area directly adjacent to and property for use by public agencies.

"Runoff" means water which is not absorbed by the soil to which it is applied. Runoff usually occurs when water is applied at too great a precipitation rate or when water is applied to a steep slope.

"Soil moisture sensor" means an instrument for measuring the moisture content of the soil and capable of interruption of the irrigation cycle sensor when excessive or inadequate moisture is detected.

"Total landscape area" means the real property parcel area less the building footprint, driveways, walkways and parking areas. Landscape areas include water bodies (i.e., fountains, swimming pools, planting areas, ponds and hardscape as defined above) and natural areas. (Prior code § 7-2A.04)

#### **Section 12.08.040 Implementation.**

To assure that the intent of these regulations is carried out, the applicant for a building permit is required to submit to the city, landscape plans as described in Section 12.08.050 for review and approval by the city.

After the approved landscape is installed, it is the responsibility of the public works department to inspect the project to confirm that the landscaping for the project was installed in accordance with the approved plans. The landscape designer shall certify that the project is in compliance with these regulations by signing and submitting a completed certificate of compliance. The director of public works, or designated representative, may authorize the deferral of landscape completion for good and valid reasons subject to the posting of appropriate security with the city. (Prior code § 7-2A.03)

#### **Section 12.08.050 Submittal requirements.**

The following shall be submitted to the city for review and approval as part of an application for a building permit for the projects identified in Section 12.08.020.

A. Landscape plans shall be prepared and signed by a licensed landscape architect or a licensed landscape contractor. The license number of the architect or contractor shall be inserted next to their signature on such plans.

B. Landscape Planting Plans. The planting plans shall be drawn on sheets no larger than thirty (30) inches by forty-two (42) inches and no smaller than eighteen (18) inches by twenty-four (24) inches at a scale which shows sufficient detail to clearly interpret the plans, preferably not less than one

inch equals thirty (30) inches. The plans shall clearly identify:

1. Landscape Materials, i.e., Trees, Shrubs, Groundcovers and Turf. Planting symbols shall be clearly drawn and labeled to show botanical name, common name, container size and quantities of each group of plants indicated. The seed or sod type must be clearly noted. If seed is used, the plan must indicate the seeding rate/one thousand (1,000) square feet and application method;

2. Property lines;

3. Streets, driveways, walks and other paved areas;

4. Building and structures (existing and proposed);

5. Adjoining right-of-way property;

6. All overhead and underground utility locations;

7. Natural features, i.e., rock outcroppings, native oaks, existing plans to remain, etc.

Existing spot elevations at the base of each native plant and proposed elevation changes within their tree canopy drip lines;

8. Peripheral features affecting the design's concept;

9. Planting details, as required to clearly convey planting and staking concepts including areas of unique conditions, i.e., specimen tree guying, hillside watering basin construction, etc.

C. Irrigation Plans. The irrigation plans shall be prepared and drawn in the same scale and same format as planting plans. The irrigation plans shall provide a clear and legible presentation of the irrigation system concept. Irrigation plans shall include the following information:

1. Irrigation heads, all types and models of irrigation heads shall be shown in a graphic format that provides a description of the type of head, including flow rate (GPM), coverage area, manufacturer, pattern, operating pressure and symbol used to depict each head in the plan;

2. Remote control valves, size of valve, precipitation rate of system and flow rate shall be shown for each valve;

3. Layout of typical emitter systems;

4. Routing of pressurized mainline;

5. System P.O.C., noting size and available hydrostatic pressure;

6. Water meter;

7. Automatic controller(s);

8. Isolation valves;

9. Remote control valves (RCV) with associated key indicating for each RCV the valve no. (i.e., controller station no.), valve size, flow rate (in gallons per minute) and precipitation rate;

10. Hose connections (quick coupling valves, hose bibs);

11. Backflow prevention device;

12. Ancillary equipment, such as specialty valves (e.g., pressure reducing valves, check valves, flow meters, master valves, etc.);

13. Pump station, if required.

D. Grading Plan. When landscape grading is too complicated to be shown clearly on the planting plan a landscape grading plan should be submitted. The landscape grading plan should be of a similar format as the irrigation and planting plan.

E. Soil Test Information. Samples of the on-site soil shall be taken, after determination by the public works director or designated representative, that conditions warrant such testing. Conditions which warrant the preparation of soil tests include, without limitation:

1. Severe grading which removes substantial topsoil and exposes sub-surface soil layers for new landscaping;

2. Suspected previous land-use conditions which could retard or complicate desirable plant growth conditions.

Samples of the on-site soil shall be taken after completion of rough grading work and all ancillary work that may cause compaction of the planting areas. The samples shall be submitted to a certified soil testing laboratory for analysis. The soil samples shall be taken to account for every two acres or less of landscape area and their locations shall be noted on the approved site plan. All soil samples showing

adverse rates of compaction shall receive mitigation recommendations in the soils report issued by the testing laboratory. The soils report shall be submitted with the required landscape plans. The soils report must provide the following information:

1. Soil texture test;
2. Cation exchange capacity;
3. Soil fertility including tests for nitrogen, potassium, phosphorous, pH, organic matter and specific conductance (electrical conductivity);
4. Recommendation for amendments to the planting area soil.

If grading work has not been completed prior to submission of landscape plans to the city, a note shall be placed on the drawings requiring a soil test when grading is complete. The landscape designer shall submit copies of soil test reports to the city prior to commencing any work on the project, other than grading.

F. Slope areas shall be indicated on the landscape grading plan by contour lines, those areas that exceed allowable turf slope of 4:1 (twenty-five (25) percent) shall be labeled as nonturf areas. Any slope retention devices (i.e., jute netting, retaining walls, etc.) shall be shown on the landscape grading plan.

G. Water Use Calculations. Estimated plant water use calculations for each planting area shall be submitted on the planting plan. Refer to Section 12.08.060(B).

H. Irrigation Watering Schedule. The irrigation system designer shall submit along with the required irrigation plans irrigation schedules that demonstrate the run time and frequency of operation. Two schedules for established landscape shall be developed to reflect seasonal changes (cool season, warm season). The schedules shall not exceed a total average precipitation rate of 41.2 inches per year. For newly planted landscape these schedules can be adjusted upward by (twenty (20) percent) for the first full growing season. All irrigation schedules will comply with existing water conservation ordinances (i.e., odd-even days, irrigation curfew periods). A copy of the schedules shall be posted next to the controller along with as-built and operations manuals by the installing contractor. (Prior code § 7-2A.05)

**Section 12.08.060 Planting design requirements.**

A. Water Use Criteria. The maximum amount of irrigation water that can be applied to landscaped areas shall not exceed a cumulative total of 41.2 inches per year.

B. Water Use Zones. Plant types shall be grouped so as to have zoned landscape areas that utilize a similar water requirement. The cumulative effect of this zoning shall be to create a moderate water consuming landscape. The zone types shall be designated low, medium, high and hardscape with reference to water consumptiveness. Water use values (see Table 1) reflect the relative water use of each type of landscape area.

**TABLE 1**

**Landscape Zone Type Water Use Value**

Hardscape*	0.0
Low use	0.4
Medium use	1.0
High use	1.2--1.6

\* Hardscaping shall not exceed that percentage of site area as allowed in the zoning code.

To determine whether a landscape design is consistent with the water use regulations in Table 1, multiply the landscape zone area by the water use value of that zone. Repeat the calculation for each zone.

If the design is consistent with the regulations when the sum of the calculations shall not exceed the total landscape area.

Example: A ten thousand (10,000) square foot landscape area has thirty-five (35) percent of its landscape classified as a high water use zone, twenty (20) percent as a medium water use zone, twenty-five (25) percent as a low water use zone and twenty (20) percent as hardscape. Therefore, the equivalent water use area is equal to  $1.6 (10,000 \text{ square feet} \times .25) + 1.0 (10,000 \text{ square feet} \times .20) + 0.4 (10,000 \text{ square feet} \times .25) + 0.0 (10,000 \text{ square feet} \times .20) = 8,600 \text{ square feet}$ . Since the equivalent water use area (8,600 square feet) is less than the actual landscape area (10,000 square feet) the design is acceptable.

Example: A ten thousand (10,000) square foot landscape area has fifty (50) percent of its landscape classified as a high water use zone, twenty (20) percent as a medium use zone, and ten (10) percent as a low use zone. Therefore, the equivalent water use area is  $1.6 (10,000 \text{ square feet} \times .50) + 1.0 (10,000 \text{ square feet} \times 20) + 0.4 (10,000 \text{ square feet} \times .10) + 0.0 (10,000 \text{ square feet} \times .20) = 10,400 \text{ square feet}$ . Since the equivalent water use area (10,400 square feet) is greater than the actual landscape area (10,000 square feet) the design is not acceptable.

Water use zones are determined by the highest water use type of plant material in an area that is controlled by an irrigation valve. All plants should be of the same water use type within a zone. However, if there are high water consuming plants in a predominantly low water consuming area, the zone is classified as high water use zone. Water bodies are classified as high water use zones. Prior to submission of a landscape plan and landscape planting plans, each applicant shall obtain from the city's public works department the publication entitled "Relative Water Requirements of Commonly Used Plants." This publication shall be used in determining water use type for all plantings identified in the landscape plan and landscape planting plans.

Water use calculations are to be shown on the planting plan in the format used in the following example:

<b>Water Use Zone</b>	<b>Plant Name</b>	<b>Area</b>	<b>Water Use Factor</b>	<b>Equivalent Water Use Area</b>
High	Turf	1000 sf.	1.6	1600 sf.
	Swimming pool	850 sf.		1360 sf.
	Azalea indica	250 sf.		400 sf.
	Camellia japonica	250 sf.		400 sf.
Medium	Buxus hardlandii	2000 sf.	1.0	2000 sf.
	Escallonia rubra	400 sf.		400 sf.
	Hedra helix	1500 sf.		1500 sf.
Low	Gazania "Burgundy"	2000 sf.	0.4	800 sf.
	Mahonia repens	500 sf.		200 sf.
Hardscape	-----	600 sf.	0.0	0 sf.
<b>TOTAL</b>		9350 sf.		8660 sf.

C. Turf Selection and Use. Turf plantings shall be limited to those areas that provide optimum utilization of irrigation equipment and discourage misuse of irrigation water.

To discourage runoff, turf shall not be planted on slopes greater than twenty-five (25) percent. Turf shall not be installed within ten feet of the trunk of an existing native oak tree. Turf varieties shall be selected for suitability to local climate and conditions (low water consumption, heat tolerant).

D. Nonturf Plant Selection and Use. Plants selected for use in non-turf areas should be chosen on the basis of their appropriateness to the site. Consideration should be given to those plants that are well suited to the hot summers and cool winters. Exotics and high water consumers should be used

sparingly in areas of high visibility.

Plants are to be selected from the approved plant list (available from the city public works department). Additional plants not on the approved list may be used if materials are submitted with planting plans to document their water use. Documentation may be submitted from the list of approved references (available from the city public works department).

E. Surface Mulch. All non-turf planting areas shall receive two inches of mulch to reduce soil temperatures and water evaporation. The use of non-porous material under the mulch is not permitted, however, the use of porous weed barriers is encouraged in non-groundcover planted areas. Care should be exercised to avoid root crown coverage by keeping all mulch six inches away from roof crowns. (Prior code § 7-2A.06)

#### **Section 12.08.070 Irrigation design requirements.**

A. Drip Irrigation. Whenever feasible, a drip irrigation or similar systems shall be used. Drip systems shall be designed to provide irrigation water within the root zone of the shrubs and trees. Drip systems shall not be controlled by a separate remote control valve which does not operate other types of systems.

B. Spray Irrigation. Spray irrigation systems shall be designed for those areas that cannot be effectively irrigated with drip systems. All spray systems shall be designed to utilize low volume sprinkler heads.

Pop-up spray irrigation systems designed for turf area shall utilize pop-up heads that are equipped with a minimum of a two inch pop-up.

C. Remote Control Valves. Irrigation systems shall be valved so that only areas of similar water use and environmental conditions shall be controlled by the same valve. Separate valves shall be required for low, medium, and high water use zones.

D. Automatic Controllers. Each irrigation system shall be controlled with an automatic controller. Controllers shall have enough stations to operate valves of a dissimilar function independently, (i.e., separation of full sun turf from full shade turf and drip systems from spray systems). Automatic controllers should be equipped with a rain shutoff, seven day calendar, two independent programs, and three start times per day.

E. Additional Equipment. The city may require all spray irrigation systems to be equipped with the following additional equipment if such additional equipment will assist in the reduction of water use:

1. Inline Check Valves. To prevent low head drainage.

2. Soil Moisture Sensor. To measure the actual demand for water that a large turf area versus the perceived need as estimated in the irrigation schedule.

3. Water Meters. Projects with large landscape areas may be required to provide a separate meter for irrigation water.

F. Irrigation Schedules. Operation of spray systems with multiple short cycles will be used whenever possible. Irrigation schedules will reflect current water conservation ordinance, requirements, and restrictions.

G. Each contractor shall provide equipment operating instructions and copies of the watering schedules to the project owner. (Prior code § 7-2A.07)

#### **Section 12.08.080 General landscape design requirements.**

A. Site Grading. The site should be graded to allow for percolation into the soil.

B. Berms or mounds of 4:1 slope shall not be placed adjacent to paved areas such that the toe of slope is less than four feet away from the paved area. Slopes on berms shall not exceed twenty-five (25) percent or 4:1. Berms irrigated by a drip irrigation system and not covered with turf may be placed

adjacent to paved areas if they are contained by a concrete curb. Slopes of such berms shall not exceed thirty-three (33) percent or 3:1. Slopes of less than 4:1 may place toe of slope closer than four feet away if approved by the director of public works or designated representative. (Prior code § 7-2A.08)

**Section 12.08.090 Model home landscape requirements.**

A. Subdivisions with a model home complex shall be required to comply with the city's landscape regulations in order to provide prospective home buyers with the opportunity to learn about the water conserving landscape regulations and the aesthetic qualities of water conserving landscape design. All subdivisions with a model home complex shall comply with the city's landscape regulations.

B. Additional Requirements. Model home complexes shall satisfy the following additional requirements:

1. Signage. Developers shall provide signs identifying the landscape as complying with the city's water conserving landscape regulations and the signs shall be prominently located in each yard of a model home. Additional signs shall be provided pointing out specific aspects and features of the landscape. Examples of sign information include, without limitation, drought tolerant plant materials and the drip irrigation system. The dimensions and construction requirements for said signs shall be established by the city's public works department.

2. Landscape Plans. Developers shall provide color presentation copies of landscape plans and the signs shall be displayed within each model. These plans should identify plant materials in botanical and common names. (Prior code § 7-2A.09)

## Chapter 12.12

### STREET TREES AND SHRUBS

#### Sections:

- 12.12.010 Purpose of regulations.
- 12.12.020 Definitions.
- 12.12.030 Superintendent to supervise work.
- 12.12.040 Authorized street tree list.
- 12.12.050 Permits.
- 12.12.060 Planting of trees, shrubs and plants in planting strips.
- 12.12.070 Tree removal.
- 12.12.080 Maintenance of trees, shrubs and plants in planting strips.
- 12.12.090 Tree replacement.
- 12.12.100 Actions deleterious to trees prohibited.
- 12.12.110 Obstructions to visibility at intersections or to public use of right-of-way.
- 12.12.120 Liability.
- 12.12.130 Violations--Penalties.

#### Section 12.12.010 Purpose of regulations.

The purpose of these regulations is to encourage the planting of new trees and the proper maintenance of existing street trees, plants and shrubs within the city in order to beautify the city and to afford shade so necessary during the summers. It is recognized, however, that certain types and sizes of trees may be undesirable in certain locations. Some trees cause excessive root damage to public and private property; others may be unsafe because of brittle limbs which may easily break and fall or may harbor insects and other pests which damage existing trees. Some trees or shrubs may cause obstruction of vision to vehicle operators or pedestrians or may hamper the use of the right-of-way. This chapter is therefore designed to encourage the planting of trees and at the same time avoid causing problems of property damage, hazards or harboring of pests. (Prior code § 7-2.01)

#### Section 12.12.020 Definitions.

Whenever in this chapter the words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions:

"Commission" means the Hanford tree commission established by Ordinance 90-19 effective December 20, 1990, or as changed or amended in the future.

"Planting strip" means that portion of the public street right-of-way between the curb or curb line and the adjacent sidewalk or property line used for the purpose of planting and maintaining city street trees.

"Street tree" means any tree planted or growing within the planting strip.

"Superintendent" means the parks superintendent of the public works department. (Ord. 96-18 § 47, 1996; prior code § 7-2.02)

#### Section 12.12.030 Superintendent to supervise work.

The provisions of this chapter shall be administered by the superintendent under the direction and control of the public works director and with the advisory assistance of the commission. (Amended during 1996 codification; prior code § 7-2.03)

**Section 12.12.040 Authorized street tree list.**

The commission shall, upon the adoption of this chapter, establish and review from time to time as necessary a list of authorized trees for planting in city planting strips. The commission may also establish, when required, spacing requirements for each species. The lists so established, including spacing requirement, may be adopted by resolution of the council upon the recommendation of the commission and, when so adopted, shall be the officially authorized street tree list. (Ord. 96-18 § 48 (part), 1996: prior code § 7-2.04)

**Section 12.12.050 Permits.**

The superintendent shall establish a permit system to be used to authorize the planting, pruning, or removal of street trees. Permits issued for such work shall be valid for sixty (60) days, except permits to public utilities, which may be for a period of one year. (Prior code § 7-2.05)

**Section 12.12.060 Planting of trees, shrubs and plants in planting strips.**

A. Spacing. The superintendent shall have the authority to control the spacing of trees, shrubs and plants from street intersections in order to avoid the creation of a hazardous condition. The superintendent shall use as a guide those sections of Chapter 17.52. The superintendent shall also have the authority to control the spacing of trees in accordance with the spacing requirements included with the authorized street tree list.

B. Residential Zones--Sidewalks Installed. The planting of trees in planting strips of less than five feet in width shall not be permitted in residential zones. If the planting strip is five feet or over in width, trees may be planted which are recommended in the authorized tree list issued under the authority of Section 12.12.040 of this chapter and listed under small trees.

C. Residential Zones--No Sidewalks Installed. If no sidewalks are present, trees of the medium or large tree category shall not be planted closer than thirteen (13) feet from the curb line, thus leaving space for future sidewalk construction. Within this thirteen (13) foot width small trees, shrubs or plants may be planted but shall be placed in such a manner as to allow the future construction of a sidewalk in the proper location.

D. Commercial and Other Than Residential Zones. In zones in which the sidewalk pattern requires the sidewalk to be adjacent to the curb, the planting of street trees, shrubs or plants may be done in sidewalk wells. The minimum dimension of any such well shall be four feet, and trees shall be limited to those in the small tree category. The shape of the well may be square, circular or semi-circular as desired by the property owner, subject to the approval of the city engineer. (Prior code § 7-2.06)

**Section 12.12.070 Tree removal.**

A. No person shall remove a tree from a planting strip without a permit from the superintendent. City approval of a permit shall require removal of the tree trunk to a minimum depth of two feet below the adjacent ground level. The superintendent may authorize the removal or alteration of street trees at the property owner's expense, or at the expense of others than the city, when such removal or alteration is, in the opinion of the superintendent, necessary to permit the alteration, repair, demolition or moving of any structure. The commission, acting through the superintendent, may authorize the removal of street trees at the expense of the property owner, or others than the city, for the following reasons:

1. For property improvement when the commission finds that a better or more suitable planting may be developed;

2. For thinning to proper spacing; or
  3. To allow a more desirable planting in conformance with the approved tree list.
- B. The superintendent may cause the removal of street trees, shrubs or plants at city expense for the following reasons:
1. Trees, shrubs or plants threatening an immediate hazard to persons and/or property;
  2. Trees, shrubs or plants directly in the way of construction or public improvements; or
  3. Dead trees.
- C. The commission may recommend the removal of street trees at city expense for the following reasons:
1. Dying, decayed or potentially hazardous trees; or
  2. Trees hosting undesirable insects and/or diseased beyond reclamation.

Commission recommendations concerning tree removal shall be made after an inspection by a tree removal subcommittee and after approval actions by the commission at a regular meeting. Requests for such inspections may be made either directly to the commission or through the superintendent. Commission recommendations concerning trees to be removed at city expense shall be subject to the budgetary limitations of the parks division. (Ord. 96-18 § 48 (part), 1996: prior code § 7-2.07)

**Section 12.12.080 Maintenance of trees, shrubs and plants in planting strips.**

- A. All watering and trimming for beauty shall be the responsibility of the individual property owner or occupant.
- B. All pruning or removal deemed necessary by the city for traffic and pedestrian clearance and visibility may be done by the city.
- C. All damage to owners' property or to sewer laterals or sidewalks by any street tree, shrub or plant shall be the individual property owners' responsibility.
- D. All tree spraying deemed necessary by the city shall be done by the city as required on a block by block and/or species basis. (Prior code § 7-2.08)

**Section 12.12.090 Tree replacement.**

The commission or the superintendent shall, whenever practicable, require the following actions to be performed by the affected person as a part of any removal authorization:

- A. The replacement of the tree with a new tree of appropriate size and location pursuant to the provisions of Section 12.12.060 of this chapter; and
- B. The repair of any public improvements damaged by the tree to be removed. (Ord. 96-18 § 48 (part), 1996: prior code § 7-2.09)

**Section 12.12.100 Actions deleterious to trees prohibited.**

No person shall take any action to any tree or the soil surrounding it which will injure such tree or in any way cause harm. No person, without the approval of the superintendent, shall place or maintain any stone, cement, brick or other substance so that it shall impede the free access of water or air to the roots of any street tree. (Prior code § 7-2.10)

**Section 12.12.110 Obstructions to visibility at intersections or to public use of right-of-way.**

If, in the opinion of the superintendent, a real and significant pedestrian or traffic obstruction exists, that is, a hazard created by trees, shrubs, hedges, etc., within the planting strip, the property owner shall be notified, and the existing hazard may be removed at city expense. (Prior code § 7-2.11)

**Section 12.12.120      Liability.**

Nothing contained in this chapter shall be deemed to impose any liability upon the city, its officers, employees or the commission, nor to relieve the owner of any private property from the duty to keep any trees, shrubs, or plants upon his property or under his control in such condition as to prevent the property from constituting a public hazard. (Ord. 96-18 § 48 (part), 1996: prior code § 7-2.12)

**Section 12.12.130      Violations--Penalties.**

It is unlawful for any person to violate any provision of this chapter or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of an infraction and, upon conviction thereof, shall be punished in accordance with subsection (b) of Section 36900 of the Government Code of the state. Each such person shall be deemed guilty of a separate offense for each during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person and shall be punishable therefore as provided for in this chapter. (Ord. 96-18 § 49, 1996: prior code § 7-2.13)

## Chapter 12.16

### CITY PARK AND RECREATIONAL FACILITIES USE REGULATIONS

#### Sections:

- 12.16.010**      **Establishing regulations.**
- 12.16.020**      **Times for permitted use.**
- 12.16.030**      **Alcoholic beverages permitted--Exception.**
- 12.16.040**      **Vehicles in Parks**
- 12.16.050**      **Inflatable Devices in City Parks**
- 12.16.060**      **Violations--Penalties.**

#### **Section 12.16.010**      **Establishing regulations.**

Regulations regarding the use of city parks and city recreational facilities shall be established by resolution of the city council and upon the posting thereof on such properties. (Prior code § 4-10.01) (Ord. 98-11, Amended, 08/18/1998)

#### **Section 12.16.020**      **Times for permitted use.**

A.      Civic Center Park. It is unlawful for any person to enter, loiter or remain in Civic Center Park after 1:00 a.m. and before 5:00 a.m. on the following day.

B.      City Skate Park. It is unlawful for any person to enter, loiter or remain in the City Skate Park after sunset and before sunrise on the day following.

C.      All Other City Parks and City Recreational Facilities. Except as set forth in paragraphs A. and B. of this Section 12.16.020, it is unlawful for any person to enter, loiter or remain in any city park or city recreational facility, after 10:00 p.m. and before 5:00 a.m. on the day following; provided, however, this paragraph shall not apply to organizations or groups which first obtain a permit from the city recreation department for night use of a city park or city recreational facility. (Ord. 96-18 § 25, 1996: prior code § 4-10.02)

(Ord. 98-11, Amended, 08/18/1998)

#### **Section 12.16.030**      **Alcoholic beverages permitted--Exception.**

A.      It is unlawful for any person to possess, consume or otherwise use, any alcoholic beverage at the city skateboard park or the city plunge. It is unlawful for any person to possess, consume or otherwise use, any alcoholic beverage at Lacey Park, the Civic Center Park, or Earl F. Johnson Park unless a valid alcohol use permit has been issued by the city and the person who is granted an alcohol use permit has possession of the permit and is present in the immediate vicinity of the event for which the permit was issued.

B.      It is unlawful for any person to possess, consume or otherwise use, any alcoholic beverage at the city's Youth Athletic Complex, Brown Street Park or Harris Street Park at any time while minors are participating in any type of organized youth recreational or youth sporting event taking place at such facility.

C.      It is unlawful for any person to possess, consume or otherwise use any alcoholic beverage in any city park that has a property line within six hundred (600) feet of the property line of an elementary school or high school site, unless: (i) a valid alcohol use permit has been issued by the city; (ii) the person who is granted an alcohol use permit has possession of the permit and is present in the immediate vicinity of the event for which the permit was issued; and (iii) the event for which the permit is issued begins and ends during a time period when no school activities are being conducted at the school site.

D. The words "alcoholic beverage" as used in this section shall include, without limitation, alcohol, spirits, liquor, beer, wine and every liquid or solid containing alcohol, spirits, beer or wine or which contains one-half of one percent or more of alcohol by volume and which is fit for consumption, either alone or, when diluted, mixed or combined with other substances. (Ord. 96-18 § 26, 1996; Ord. 96-16 § 1, 1996; prior code § 4-10.03)  
(04-01, Amended, 01/06/2004; Ord. 98-11, Amended, 08/18/1998)

#### **Section 12.16.040 Vehicles in Parks**

It is unlawful to operate or ride a motorcycle, moped, motorbike, motorized bicycle, motorized scooter or any other vehicle on any path, walkway or on any turf area in any park. This section does not apply to wheelchairs and other devices for the disabled or vehicles in the service of the city. A waiver may be granted by the recreation director for special community events.  
(08-10, Added, 11/04/2008)

#### **Section 12.16.050 Inflatable Devices in City Parks**

For the purposes of this Section 12.16.050, the term "Bounce House" shall mean any inflatable structure used for recreational purposes that, when filled with air, provides a good surface for jumping and bouncing.

All commercial owners, operators, and vendors of bounce houses utilized within city parks must: (i) maintain liability insurance covering bodily and property injury in the minimum amount specified by the city and name the City of Hanford as an additional insured on the liability insurance policy; (ii) submit to the recreation department at least forty-eight (48) hours prior to the use of a bounce house in any city park a current certificate of insurance naming city and its officials, agents and employees as additional insureds and stating that the insurance coverage will not be modified or canceled without prior written notice to the city; and (iii) provide to the city's recreation department upon request evidence of a current city-issued business license.

The use of bounce houses in public parks by any person or entity is permitted only under the following conditions: (i) each person and entity must apply to and obtain a bounce house permit from the city's recreation department; (ii) pay to the recreation department an administrative fee identified by the recreation department; (iii) each applicant must provide his/her/their/its own generator for use with bounce houses, with the generator being in good and safe operating condition and not a threat to the public's safety; (iv) bounce houses will comply with all statutes, rules, and regulations, including, without limitation, California Fire Code Section 2403.2; (v) adults will, at all times, supervise the use of bounce houses by children; (vi) bounce houses will be in good and safe working order and utilized in accordance with all manufacturer guidelines and limitations (e.g., weight and occupancy restrictions); (vii) bounce houses and related equipment will be used in such a manner that they do not pose a threat to the public (e.g., generators will not be placed in walkways or other areas that would cause a tripping hazard); (viii) as a condition of using bounce houses in public parks, the permit applicant and all persons who utilize bounce houses will indemnify, defend, and hold the city and its officials, agents and employees harmless from any and all losses, damages, injuries, death, and claims that may result from the use of bounce houses in public parks; (ix) bounce house permits will only be issued in association with a park shelter rental; and (x) bounce houses will be set up no closer than twenty feet (20') and no further than one hundred feet (100') from the shelter rented by the bounce house permit applicant and away from other structures, improvements, and objects that may cause injury to the individuals using the bounce houses or to people in the vicinity. The city may deny a permit if it finds that the granting of a permit would be detrimental to the health, safety or welfare of the public. The recreation director shall have discretion to waive requirements for special community events. The city does not allow the use of inflatable water features such as water slides, wading/swimming pools or slip and slides or other similar features on city

parks or properties.  
(08-10, Added, 11/04/2008)

**Section 12.16.060      Violations--Penalties.**

Any person who violates any of the provisions of this chapter or any regulation adopted by resolution of the council pursuant to Section 12.16.010 shall be guilty of an infraction and if convicted thereof shall be punished in accordance with subsection (b) of Section 36900 of the Government Code of the state. (Ord. 96-18 § 27, 1996: prior code § 4-10.04)  
(08-10, Renumbered, 11/04/2008)