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*UNCODIFIED

CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON AMENDING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF HUGHSON AND FITZPATRICK HOMES-HUGHSON, LLC RELATING TO THE DEVELOPMENT KNOWN AS EUCLID NORTH

WHEREAS, pursuant to Hughson Ordinance No. 90-59, the City of Hughson ("City") may enter into, or amend a Development Agreement with the owner and/or developer of real property within the City; and

WHEREAS, on January 8, 2007 the Hughson City Council adopted Ordinance No. 06-14 approving a Development Agreement between the City and Fitzpatrick Homes-Hughson, LLC. for the development of certain real property within the City (hereinafter called "Development Agreement"); and

WHEREAS, on November 13, 2017, the Hughson City Council adopted Ordinance No. 2017-08, approving Amendment #1 to the Development Agreement; and

WHEREAS, Fitzpatrick Homes has requested an additional extension to the term of the Development Agreement; and

WHEREAS, the City and Developer are entering into this Amendment #2 to the Development Agreement to memorialize the terms affecting the remainder of the Project.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1. Part II, Section 1.D. is hereby amended to read as follows:

"D. Term. The term of this Agreement shall commence upon the Effective Date and shall extend until January 16, 2024~~2~~ or until one (1) year after "Project Buildout" as hereinafter defined, whichever is earlier, unless said term is otherwise modified by circumstances set forth in this Agreement or by the mutual consent of the parties hereto. For purposes of this Agreement, "Project Buildout" shall mean the date on which a Certificate of Occupancy (or comparable instrument) is issued for the last project improvement or residential home or other structure to be constructed in the Project. Following the expiration of said term, this Agreement shall be deemed terminated and of no further force and effect, except as may be specified otherwise herein."

Section 2. Part II, Section 3.E. is hereby amended to read in full as follows:

"E. Fees. Fees to be paid by Developer shall be as specified in this section. Developer shall also pay fees expressly specified in this Agreement or the Project Approval, such as, but not limited to, those specified in Section 5.C.ii, or 3.F., of this Agreement. No reimbursements or credits other than those specified herein, if any, are or shall be due to Developer. Notwithstanding the preceding sentence, any fee credit resulting from additional sewer fees to fund the waste water treatment plant expansion established by the City after adoption of that certain "Advance Funding Agreement for the Hughson Waste Water Treatment Plant Agreement", entered into by and between Developer and the City, shall be applied to the Sewer Fee for the benefit of Developer if such a credit is applicable. All fees specified below shall be collected at the time of building permit issuance.

Fee Schedule	Per Unit
Public Facility Fee	$3,050
Storm Drain Fee	$2,814
Sewer Fee	$13,755
Water Fee	$3,808
Construction Water Fee	$155
Street Fee	~~$1,505~~ 4,101
Park Development Fee	$2,667
Park In-Lieu Fee	$1,991
Community Enhancement Fee	$1,008
Miscellaneous Fee	$42

Notwithstanding the preceding portion of this Section II.3.E., the parties agree as follows:

(i) The fees shown in the table above may be increased at three (3%) percent per year, or by the percentage increase in the Engineering News Record Construction Cost Index, at the discretion of the City Manager of City, for the period of time from recordation of this Amendment, to the time of payment of such fees; and

(ii) Community Enhancement Fee. Developer shall pay, at the time of issuance of building permits per lot for each lot for which a building permit is issued, a community enhancement fee as identified in the table above. Such funds shall be used by City for any project which will, in City's sole discretion, enhance the quality of life for residents of the City, and/or ameliorate the negative effect on older areas of the City caused by the economic pressure generated by new

development, including but not limited to, public art, maintenance, repair or upgrading of public facilities, recreation, parks, or historical preservation. City and Developer, its successors and assigns, agree that notwithstanding any other provision of law, the imposition and accounting for these funds shall not be subject to the requirements of the Mitigation Fee Act (Government Code Sections 66000-66025)."

Section 3. All other terms and conditions of the Development Agreement, as amended, are unmodified and remain in full force and effect.

Section 4. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 6. This ordinance shall become effective thirty (30) days after its final passage.

Section 7. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced, and the title thereof read at the regular meeting of the City Council of the City of Hughson held on April 12, 2021, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson Hill, seconded by councilperson Rush, the second reading of the foregoing ordinance was waived, and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on April 26, 2021, by the following vote:

AYES: **MAYOR CARR, HILL, BAWANAN, BUCK, RUSH**

NOES: **NONE.**

ABSTENTIONS: **NONE.**

ABSENT: **NONE.**

APPROVED:

GEORGE CARR, Mayor

ATTEST:

ASHTON GOSE, Deputy City Clerk

CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2021 - 02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON ADDING SECTION 02.04.040 TO CHAPTER 2.04 OF TITLE 2—ADMINISTRATION AND PERSONNEL—OF THE HUGHSON MUNICIPAL CODE

WHEREAS, Government Code section 34900 grants the city council the authority to submit to the electors the question of whether the mayor shall serve a two-year or a four-year term.

WHEREAS, a majority of the votes cast for Measure V in the 2020 election, elected to change the mayor term to a four-year term.

NOW, THEREFORE THE PEOPLE OF THE CITY OF HUGHSON DO ORDAIN AS FOLLOWS:

Section 1. Section 02.04.040 of Chapter 2.04 of Title 2 of the Hughson Municipal Code is added as follows:

"The Mayor shall serve for a term of four years."

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 4. This ordinance shall become effective immediately after its final passage.

Section 5. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced, and the title thereof read at the regular meeting of the City Council of the City of Hughson held on June 14, 2021, and by a vote of the council members present, further reading was waived.

On motion of councilperson Hill, seconded by councilperson Buck, the foregoing ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on June 28, 2021 by the following vote:

AYES:	MAYOR CARR, BAWANAN, BUCK, HILL
NOES:	NONE.
ABSTENTIONS:	NONE.
ABSENT:	RUSH

APPROVED:

GEORGE CARR, Mayor

ATTEST:

ASHTON GOSE, Deputy City Clerk

CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON, AMENDING SECTION 9.24.020 OF CHAPTER 9.24 OF TITLE 9 OF THE HUGHSON MUNICIPAL CODE – PUBLIC PEACE, MORALS, AND WELFARE, AND SECTION 12.24.150 OF CHAPTER 12.24 OF TITLE 12 OF THE HUGHSON MUNICIPAL CODE – STREETS, SIDEWALKS, AND PUBLIC PLACES

WHEREAS, the City of Hughson Municipal Code Chapters 9.24 and 12.24 currently provide regulations regarding possession or consumption (or both) of alcohol in public parks; and

WHEREAS, the City desires to amend Chapters 9.24 and 12.24 to clarify exceptions to prohibitions within the City of Hughson Municipal Code regarding the possession or consumption of alcohol in public parks.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1 Section 9.24.020 of Chapter 9.24 of Title 9 of the Hughson Municipal Code is amended to read as follows:

"**9.24.020 Drinking and possession – Public areas.**
It is unlawful for any person to drink any alcoholic beverage or to possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, on any public sidewalk, alley, street or highway, or in any city-owned park or other city-owned public place, unless the consumption of alcoholic beverages in such public place or places has been authorized by the city council or, in the case of city owned parks, in accordance with HMC Section 12.24.150.C.12. This section shall not be deemed to make punishable any such act or acts which are prohibited by the California Vehicle Code or by any other law of the state."

Section 2 Section 12.24.150.C.12 of Chapter 12.24 of Title 12 of the Hughson Municipal Code is amended to read as follows:

"12. To bring to, or drink in, a park any alcoholic beverage, unless approved in advance in writing by the director for an event not opened to the public or, as to events open to the public, authorized by the city council pursuant to HMC 9.24.020."

Section 3 If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the

provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the validity of any particular portion thereof.

Section 4 This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5 Within fifteen (15) days after its final passage, the City Clerk shall cause a summary of this Ordinance to be published in accordance with California Government Code section 36933.

Section 6 This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced, and the title thereof read at the regular meeting of the City Council of the City of Hughson held on June 14, 2021, and by a vote of the Council members present, further reading was waived.

On motion of Councilperson Hill, seconded by Councilperson Buck, the foregoing Ordinance was passed by the City Council of the City of Hughson at a regular meeting held on June 28, 2021, by the following votes:

AYES:	MAYOR CARR, BAWANAN, BUCK, HILL
NOES:	NONE.
ABSTENTIONS:	NONE.
ABSENT:	RUSH

APPROVED:

GEORGE CARR, Mayor

ATTEST:

ASHTON GOSE, Deputy City Clerk

CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON, AMENDING SECTION 12.24.150 OF CHAPTER 12.24 OF TITLE 12 OF THE HUGHSON MUNICIPAL CODE – STREETS, SIDEWALKS, AND PUBLIC PLACES

WHEREAS, the City of Hughson Municipal Code Chapter 12.24 currently provides regulations regarding the use of tobacco products in public parks; and

WHEREAS, the City desires to amend Chapter 12.24 to clarify the prohibitions of the use of tobacco products in public parks within the City of Hughson Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1 Section 12.24.150.C.14 of Chapter 12.24 of Title 12 of the Hughson Municipal Code is amended to read as follows:

"14. To use tobacco products of any kind, including, but not limited to, cigar, cigarette, weed or plant, tobacco, nicotine product, gases, particles, or vapors, or carrying any lighted pipe, lighted cigar, lighted cigarette, lighted marijuana, lighted plant, electrical ignition or vaporization device used primarily for human inhalation, or other ignited combustible substance in any manner or in any form, including, but not limited to, electronic cigarettes and hookah pipe, within 50 feet of recreational areas as defined in HMC Section 8.24.020, and/or to discard lighted or unlighted cigar, cigarette, weed or plant, tobacco, nicotine product, gases, particles, or vapors, or carrying any lighted pipe, lighted cigar, lighted cigarette, lighted marijuana, lighted plant, electrical ignition or vaporization device used primarily for human inhalation, or other ignited combustible substance in any manner or in any form, including, but not limited to, electronic cigarettes and hookah pipe, in said areas."

Section 2 If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the validity of any particular portion thereof.

Section 3 This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4 Within fifteen (15) days after its final passage, the City Clerk shall cause a summary of this Ordinance to be published in accordance with California Government Code section 36933.

Section 5 This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced, and the title thereof read at the regular meeting of the City Council of the City of Hughson held on June 14, 2021, and by a vote of the Council members present, further reading was waived.

On motion of Councilperson Hill, seconded by Councilperson Buck, the foregoing Ordinance was passed by the City Council of the City of Hughson at a regular meeting held on June 28, 2021, by the following votes:

AYES:	MAYOR CARR, BAWANAN, BUCK, HILL
NOES:	NONE.
ABSTENTIONS:	NONE.
ABSENT:	RUSH

APPROVED:

GEORGE CARR, Mayor

ATTEST:

ASHTON GOSE, Deputy City Clerk

CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2021-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON, AMENDING SECTION 12.24.110 OF CHAPTER 12.24 OF TITLE 12 OF THE HUGHSON MUNICIPAL CODE – STREETS, SIDEWALKS, AND PUBLIC PLACES

WHEREAS, the City of Hughson Municipal Code Chapter 12.24 currently provides regulations regarding liability insurance requirements when renting a public park; and

WHEREAS, the City desires to amend Chapter 12.24 to clarify the requirements of liability insurance when renting a public park within the City of Hughson Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1 Section 12.24.110 of Chapter 12.24 of Title 12 of the Hughson Municipal Code is amended to read as follows:

"The applicant shall maintain general liability insurance in an amount not less than one million dollars ($1,000,000) per occurrence for bodily injury, personal injury, and property damage (or, for low hazard function such as seminars, craft shows, and wedding receptions, where no alcohol is involved, these limits may be reduced to $300,000 per person and $300,000 for each occurrence at the discretion of the Community Development Director, or his/her designee). Undersigned's general liability policies shall be endorsed to provide that City and its officers, officials, employees, and agents shall be additional insureds under such policies. When alcohol is being served or sold at any permitted facility, it is mandatory that the General Liability Policy include Liquor Liability Coverage."

Section 2 If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the validity of any particular portion thereof.

Section 3 This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4 Within fifteen (15) days after its final passage, the City Clerk shall cause a summary of this Ordinance to be published in accordance with California Government Code section 36933.

Section 5 This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced, and the title thereof read at the regular meeting of the City Council of the City of Hughson held on June 14, 2021, and by a vote of the Council members present, further reading was waived.

On motion of Councilperson Hill, seconded by Councilperson Buck, the foregoing Ordinance was passed by the City Council of the City of Hughson at a regular meeting held on June 28, 2021, by the following votes:

AYES:	MAYOR CARR, BAWANAN, BUCK, HILL
NOES:	NONE.
ABSTENTIONS:	NONE.
ABSENT:	RUSH

APPROVED:

GEORGE CARR, Mayor

ATTEST:

ASHTON GOSE, Deputy City Clerk

CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2021 - 06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON AMENDING MUNICIPAL CODE CHAPTER 15.12 – FLOOD DAMAGE PREVENTION TO TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE CITY MUNICIPAL CODE

WHEREAS, the Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **CITY OF HUGHSON** and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the **CITY OF HUGHSON** was accepted for participation in the National Flood Insurance Program on September 26, 2008 and the **CITY COUNCIL** desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, pursuant to the California Health and Safety Code, Division 13, Part 1.5 and Part 2.5, the **CITY OF HUGHSON** is required to administer and enforce the *California Building Standards Code*, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the **CITY COUNCIL** has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *California Building Standards Code.*

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN THAT THE FOLLOWING FLOODPLAIN MANAGEMENT REGULATIONS ARE HEREBY ADOPTED:

Section 1. Chapter 15.12 of Title 15 of the Hughson Municipal Code is amended as follows:

Article I. General Provisions

15.12.010 Statutory authorization.
The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city of Hughson does hereby adopt the following floodplain management regulations. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.020 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

Article II. Definitions

15.12.100 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A. "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

B. "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). "Base flood" is the term used throughout this chapter.

C. "Basement" means, for the purpose of floodplain management, the portion of a building having its floor subgrade (below ground level) on all sides.

D. Building. See "structure."

E. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

F. "Flood" or "flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation

or runoff of surface waters from any source; or mudslides (i.e., mudflows) which are proximately caused by flooding as defined herein and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusual and unforeseeable event which results in flooding as defined in this definition.

G. "Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

H. "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source – see "flooding."

I. "Floodplain administrator" is the individual appointed to administer and enforce the floodplain management regulations.

J. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

K. "Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

L. "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

M. "Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

N. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

O. "Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

P. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 15.12.400.

Q. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

R. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

S. "New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community (September 26, 2008), and includes any subsequent improvements to such structures.

T. One-Hundred-Year Flood or 100-Year Flood. See "base flood."

U. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. Four hundred square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

V. "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does

it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

W. "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

X. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Y. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure." (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

Article III. General Provisions

15.12.200 Lands to which this chapter applies.

This chapter shall apply to all areas identified as flood-prone within the jurisdiction of the city of Hughson. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.210 Basis for establishing flood-prone areas.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated September 26, 2008, Stanislaus County, California, and Incorporated Areas with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated September 26, 1980, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be part of this chapter. This FIS and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator. The floodplain administrator shall obtain, review, and reasonably utilize any base flood data available from other federal or state agencies or other source to identify flood-prone areas within the jurisdiction of city of Hughson. This data will be on file at the city of Hughson, City Hall, 7018 Pine Street, Hughson, California, 95326. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.220 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.230 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.240 Interpretation.

In the interpretation and application of this chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.250 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city council, city of Hughson, any officer or employee thereof, the state of California, the Federal Insurance Administration, or Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.260 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

Article IV. Administration

15.12.300 Permit.

Prior to issuance of any permit obtained for all proposed construction or other development in the community, including the placement of manufactured homes, a determination shall be made as to whether such construction or other development is within flood-prone areas. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.310 Designation of the floodplain administrator.

The community development director, as the floodplain administrator, is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.320 Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

A. Permit Review. Review all development permit applications to determine:

1. Permit requirements of this chapter have been satisfied;

2. All other required state and federal permits have been obtained; and

3. The site is reasonably safe from flooding.

B. Review and Use of Any Other Base Flood Data. The floodplain administrator shall obtain, review, and reasonably utilize any base flood data available from other federal or state agency or other source.

C. Notification of Other Agencies.

1. Alteration or Relocation of a Watercourse.

a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

b. Submit evidence of such notification to the Federal Emergency Management Agency; and

c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base flood elevation changes due to physical alterations:

a. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.

3. Changes in Corporate Boundaries.

a. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of the map of the community clearly delineating the new corporate limits. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.330 Variances

A. Nature of variances. The considerations and conditions for variances set forth in this article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be issued for a parcel of property with physical characteristics so unusual that complying with the requirements of these regulations would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners. The issuance of a variance is for floodplain management purposes only. Federal flood

insurance premium rates are determined by the National Flood Insurance Program according to actuarial risk and will not be modified by the granting of a variance.

It is the duty of the **City Council** to promote public health, safety and welfare and minimize losses from flooding. This duty is so compelling and the implications of property damage and the cost of insuring a structure built below flood level are so serious that variances from the elevation or other requirements in the building codes should be quite rare. The long-term goal of preventing and reducing flood loss and damage, and minimizing recovery costs, inconvenience, danger, and suffering, can only be met when variances are strictly limited. Therefore, the variance requirements in these regulations are detailed and contain multiple provisions that must be met before a variance can be properly issued. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Variances; general. The **Planning Commission** shall hear and decide requests for variances from the strict application of these regulations.

C. Limitations on authority. The **Planning Commission** shall base its determination on technical justifications submitted by applicants, the considerations and conditions set forth in this article, the comments and recommendations of the Floodplain Administrator and Building Official, as applicable, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations and the building code.

D. Records. The Floodplain Administrator shall maintain a permanent record of all variance actions, including justification for issuance.

E. Historic structures. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic structure upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure. When the proposed work precludes the structure's continued designation as a historic building, a variance shall not be granted and the structure and any repair, improvement, and rehabilitation shall be subject to the requirements of the building code.

F. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analyses required in Section 105-3(1) of these regulations.

G. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the criteria in Section 1612 of the building code (CCR Title 24 Part 2) or Section R322 of the residential code (CCR Title 24 Part 2.5) are met, as applicable, and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damages during the base flood and create no additional threats to public safety.

H. Agricultural structures. A variance is authorized to be issued for the construction or substantial improvement of agricultural structures that are not elevated or dry floodproofed, provided the requirements of this section are satisfied and:

1. A determination has been made that the proposed agricultural structure:

a. Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.

b. Has low damage potential.

c. Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.

d. Complies with the wet floodproofing construction requirements of Section 107-8(2), below.

2. Wet floodproofing construction requirements.

a. Anchored to resist flotation, collapse, and lateral movement.

b. When enclosed by walls, walls have flood openings that comply with the flood opening requirements of ASCE 24, Chapter 2.

c. Flood damage-resistant materials are used below the base flood elevation.

d. Mechanical, electrical, and utility equipment are elevated above the base flood elevation.

I. Considerations for issuance of variances. In reviewing applications for variances, all technical evaluations, all relevant factors, all other requirements of these regulations and the building code, as applicable, and the following shall be considered:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.

2. The danger to life and property due to flooding or erosion damage.

3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.

4. The importance of the services provided by the proposed development to the community.

5. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.

6. The compatibility of the proposed development with existing and anticipated development.

7. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

8. The safety of access to the property in times of flood for ordinary and emergency vehicles.

9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, if applicable, expected at the site.

10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

J. Conditions for issuance of variances. Variances shall only be issued upon:

1. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.

2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or future property owners, or conflict with existing local laws or ordinances.

4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. When the request is to allow construction of the lowest floor of a new building or substantial improvement of a building below the base flood elevation, notification to the applicant in writing over the signature of the Floodplain Administrator specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that issuance of a variance to construct below the elevation required in the building code will result in increased premium rates for federal flood insurance up to amounts as high as $25 for $100 of insurance coverage, and that such construction below the required elevation increases risks to life and property.

Article V. Provisions for Flood Hazard Reduction

15.12.400 Standards of construction.

If a proposed building site is in a flood-prone area, all new construction and substantial improvements, including manufactured homes, shall:

A. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Be constructed:

1. With materials and utility equipment resistant to flood damage;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.410 Standards for subdivisions or other proposed new development.

If a subdivision proposal or other proposed new development, including manufactured home parks or subdivisions, is in a flood-prone area, any such proposals shall be reviewed to assure that:

A. All such proposals are consistent with the need to minimize flood damage within the flood-prone area;

B. All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

C. Adequate drainage is provided to reduce exposure to flood hazards. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

D. In addition to the requirements of 15.12.410 of these regulations, where any portion of proposed subdivisions, including proposals for manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. The flood hazard area shall be delineated on preliminary subdivision plats.

2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 15.12.400 of these regulations.

3. When, as part of a proposed subdivision, fill will be placed to support buildings, the fill shall be placed in accordance with the building code and approval of the subdivision shall require submission of as-built elevations for each filled pad certified by a licensed land surveyor or registered civil engineer.

15.12.420 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and

2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (Ord. 20-02 § 1, 2020; Ord. 16-05 § 1, 2016)

15.12.430 Floodways.

Until a regulated floodway is adopted, no new construction, substantial development, or other development (including infill) shall be permitted within Zone A unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the lands under the jurisdiction of the city of Hughson. (Ord. 20-02 § 1, 2020)

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 4. This ordinance shall become effective thirty (30) days after its final passage.

Section 5. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced, and the title thereof read at the regular meeting of the City Council of the City of Hughson held on June 28, 2021, and by a unanimous vote of the council members present, further reading was waived.

On motion of Mayor Carr, seconded by councilperson Hill, the second reading of the foregoing ordinance was waived, and this ordinance was duly passed by the City Council of the City of Hughson at a regular meeting thereof held on July 12, 2021, by the following vote:

AYES: **MAYOR CARR, RUSH, BUCK, HILL**

NOES: **NONE.**

ABSTENTIONS: **NONE.**

ABSENT: **BAWANAN**

APPROVED:

GEORGE CARR, Mayor

ATTEST:

ASHTON GOSE, Deputy City Clerk

CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2021-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON, AMENDING SECTIONS 2.04.010 AND 2.04.020 OF CHAPTER 2.04 OF TITLE 2 OF THE HUGHSON MUNICIPAL CODE – CITY COUNCIL

WHEREAS, the City of Hughson Municipal Code Chapter 2.04 currently designates a time and location that the city council shall meet; and

WHEREAS, the City desires to amend Chapter 2.04 to change the designated meeting time within the City of Hughson Municipal Code; and

WHEREAS, the City desires to amend Chapter 2.04 to add an alternate designated meeting location within the City of Hughson Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1 Section 2.04.010 of Chapter 2.04 of Title 2 of the Hughson Municipal Code is amended to read as follows:

> "2.04.010 Meeting – Time. The city council shall meet regularly twice a month on the second and fourth Mondays, at the hour of 6:00 p.m. Special meetings of the city council may be held at an alternate time, provided such time is indicated on the meeting agenda."

Section 2 Section 2.04.020 of Chapter 2.04 of Title 2 of the Hughson Municipal Code is amended to read as follows:

> "2.04.020 Meeting – Location. Regular meetings of the city council shall be held in either the council meeting room of the city office building located at 7018 Pine Street in the city of Hughson, Stanislaus County, California or the senior community center located at 2307 4th Street in the city of Hughson, Stanislaus County, California.
>
> Special meetings of the city council may be held in an alternate location provided such location is within the boundaries of the city of Hughson and as allowed by law."

Section 3 If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have

adopted this Ordinance irrespective of the validity of any particular portion thereof.

Section 4 This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5 Within fifteen (15) days after its final passage, the City Clerk shall cause a summary of this Ordinance to be published in accordance with California Government Code section 36933.

Section 6 This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced, and the title thereof read at the regular meeting of the City Council of the City of Hughson held on September 13, 2021, and by a vote of the Council members present, further reading was waived.

On motion of Mayor Carr, seconded by Councilmember Bawanan, the foregoing Ordinance was passed by the City Council of the City of Hughson at a regular meeting held on September 27, 2021, by the following votes:

AYES:	MAYOR CARR, BAWANAN, RUSH, BUCK, HILL
NOES:	NONE.
ABSTENTIONS:	NONE.
ABSENT:	NONE.

APPROVED:

GEORGE CARR, Mayor

ATTEST:

ASHTON GOSE, Deputy City Clerk

CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2021- 08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON, AMENDING CHAPTER 8.12 OF TITLE 8 OF THE HUGHSON MUNICIPAL CODE CONCERNING REFUSE COLLECTION

WHEREAS, the City of Hughson Municipal Code Chapter 8.12 currently establishes the regulations regarding refuse collection; and

WHEREAS, recent legislation, specifically SB 1383, requires jurisdictions to institute programs to divert Organic Waste from the landfill to an authorized composting facility; and

WHEREAS, the City desires to update and amend Chapter 8.12 to comply with SB 1383.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1 Chapter 8.12 of Title 8 of the Hughson Municipal Code is amended to read as follows:

8.12.010 Definitions.

For the purposes of this chapter, the following terms are defined:

A. "Bin" means a container designed for mechanical emptying with capacity between 2 and 6 cubic yards and of a design approved by the Council.

B. "California Green Building Standards (CALGreen)" shall have the same meaning as the California Green Building Standards Code, 24 CCR, Part 11, as it currently exists or amended thereafter.

C. "City" means the city of Hughson.

D. "City Manager" means the city manager of the City or designee of the city manager of the City.

E. "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling, and as otherwise defined in 14 CCR Section 18982(a)(6), as it currently exists or amended thereafter. A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Article.

F. "Commercial Customer" means a customer receiving Refuse collection service where such customer is a Commercial Business

G. "Commercial Edible Food Generator" includes a Tier One or Tier Two Commercial Edible Food Generator. For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.

H. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet and as otherwise defined by 14 CCR Section 18982(a)(8), as it currently exists or amended thereafter.

I. "Compost" shall have the same definition as 14 CCR Section 17896.2(a)(4), as it currently exists or amended thereafter.

J. "Compliance Review" means a review of records by the City to determine compliance with this Article.

K. "Container" means a container designed for mechanical emptying with a close-fitting cover and of a design approved by the Council. A Bin is considered a Container for the purposes of this Article.

L. "Container Contamination" or "Contaminated Container" means a Container that contains Prohibited Container Contaminants.

M. "Council" means the city council of the City.

N. "County" means the county of Stanislaus, state of California.

O. "Customer" means any Person receiving Refuse service under the provisions of this chapter.

P. "Direct Service Providers and Vendors" means a Person, company, agency, district, or other entity that provides a service or services to City pursuant to a contract or other written agreement and as otherwise defined in 14 CCR Section 18982(a)(17), as it currently exists or amended thereafter.

Q. "Disposal Site" means an area or location used for the disposal of Refuse, and authorized by law to receive such Refuse.

R. "Drop Box" means a container designed to be loaded upon a vehicle for transportation to the Disposal Site with a minimum capacity of 10 cubic yards and of a design approved by the Council.

S. "Edible Food" means food intended for human consumption, and as otherwise defined in 14 CCR Section 18982(a)(18), as it currently exists or amended thereafter. "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this Article requires or authorizes

the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

T. "Excluded Waste" means Hazardous Material, infectious waste, volatile, corrosive, medical waste, radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance.

U. "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, and as otherwise defined in 14 CCR Section 18982(a)(24), as it currently exists or amended thereafter.

V. "Food Recovery Organization" shall have the same meaning as 14 CCR Section 18982(a)(25), as it currently exists or amended thereafter.

W. "Food Recovery Service" means a Person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, and as otherwise defined in 14 CCR Section 18982(a)(26), as it currently exists or amended thereafter.

X. "Franchise Holder" means a Person who collects or transports Refuse under authority granted by the Council, in accordance with HMC Section 8.12.240, as it currently exists or amended thereafter.

Y. "Hazardous Material" means any explosive, highly flammable, radioactive, or toxic material.

Z. "High Diversion Organic Waste Processing Facility" shall have the same definition as 14 CCR Section 18982(a)(33), as it currently exists or amended thereafter.

AA. "Industrial Refuse" means Refuse produced by a Person principally engaged in the business of processing, warehousing, or manufacturing agricultural, animal, or other products or materials, who is not a Commercial Customer or residential customer, whose principal business on site is not retail in nature and Refuse produced by any Persons engaged in the business of building, remodeling, construction, or demolition.

BB. "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.

CC. "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For the purposes of this chapter, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts

center, fairground, museum, theater, or other public attraction facility. For the purposes of this chapter, a site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site, is a single large venue.

DD. "Mixed Waste Organic Collection Stream" or "Mixed Waste" means Organic Waste collected in a Container that is required to be taken to a High Diversion Organic Waste Processing Facility and as otherwise defined in 14 CCR Section 17402(a)(11.5), as it currently exists or amended thereafter.

EE. "Model Water Efficient Landscaping Ordinance (MWELO)" shall have the same meaning as the Model Water Efficient Landscape Ordinance (MWELO), 23 CCR, Division 2, Chapter 2.7, as it currently exists or amended thereafter.

FF. "Multi-Family Residential Dwellings" or "Multi-Family" means of, from, or pertaining to residential Premises with five (5) or more dwelling units. Multi-family Premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

GG. "Non-Compostable Paper" includes but is not limited, to paper that is coated in a plastic material that will not breakdown in the composting process and as otherwise defined in 14 CCR Section 18982(a)(41, as it currently exists or amended thereafter.

HH. "Non-Organic Recyclables" means non-Putrescible Waste and non-Hazardous Recyclable Wastes including but not limited to bottles, cans, metals, plastics and glass, and as otherwise defined in 14 CCR Section 18982(a)(43), as it currently exists or amended thereafter.

II. "Non-Organic Waste" means all collected wastes that is not designated for collection in the Organic Waste Container, including carpets, Non-Compostable Paper, and textiles.

JJ. "Non-Organic Waste Container" means a Container that shall be used for the collection and storage of Non-Organic Waste.

KK. "Notice of Violation (NOV)" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, and as otherwise defined in 14 CCR Section 18982(a)(45), as it currently exists or amended thereafter.

LL. "Occupant" means the Person in possession or control of Premises such as lessee, licensee, manager, custodian, or caretaker.

MM. "Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges and as otherwise defined in 14 CCR Section 18982(a)(46), as it currently exists or amended thereafter, excluding carpets, Non-Compostable Paper, textiles, and Hazardous Materials. Biosolids and digestate are as defined by 14 CCR Section 18982(a), as it currently exists or amended thereafter.

NN. "Organic Waste Container" means a Container that shall be used for the collection and storage of Organic Waste.

OO. "Organic Waste Generator" means a Person or entity that is responsible for the initial creation of Organic Waste, and as otherwise defined in 14 CCR Section 18982(a)(48), as it currently exists or amended thereafter.

PP. "Owner" means the Person having dominion of or title to Premises.

QQ. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, and as otherwise defined in 14 CCR Section 18982(a)(51), as it currently exists or amended thereafter.

RR. "Permit Holder" means a Person who collects or transports Refuse under authority granted by the City Manager, in accordance with HMC Section 8.12.290, as it currently exists or amended thereafter.

SS. "Person" means any individual, firm, corporation, association, group, or combination and the plural as well as the singular.

TT. "Premises" means a parcel of real property to the center of any alley adjacent thereto, unless other specified by the City Manager, located in the incorporated area of the City, upon which is situated any dwelling house or other place of human habitation, including each unit of a multiple occupancy building, or upon which is conducted any business, occupation, or activity which results in the production or accumulation of Refuse.

UU. "Printing and Writing Paper" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, and as otherwise defined in 14 CCR Section 18982(a)(54), as it currently exists or amended thereafter.

VV. "Prohibited Container Contaminants" means the following: (1) discarded materials placed in the Non-Organic Waste Container that are not identified as Non-Organic Waste; (2) discarded materials placed in the Organic Waste Container that are not identified as Organic Waste; (3) Excluded Waste.

WW. "Putrescible Waste" include waste that is capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases, or other offensive conditions, and include materials such as, but not limited to food wastes and dead animals.

XX. "Recyclable Materials" means reusable waste materials including, but not limited to, various types of plastic, metal, glass, aluminum, packaging, paper, books, magazines, boxes, wrappers.

YY. "Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, and as otherwise defined in 14 CCR Section 18982(a)(61), as it currently exists or amended thereafter.

ZZ. "Refuse" means all discarded items and substances of every kind, including infectious wastes and Recyclable Materials and Organic Waste, but not including sewage, septic tank contents, sewer sludge and construction and demolition debris, sand trap contents, grease trap contents or Hazardous Materials as defined by state and/or federal law.

AAA. "Route Review" means a visual inspection of Containers along a Franchise Holder route for the purpose of determining Container Contamination and may include mechanical inspection methods such as the use of cameras, and as otherwise defined in 14 CCR Section 18982(a)(65), as it currently exists or amended thereafter.

BBB. "Self-Hauler" means a Person, who hauls Solid Waste, Organic Waste or Recyclable Material he/she/they has generated to another Person. Self-hauler also includes a Person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

CCC. "Solid Waste" shall have the same meaning as defined in California Public Resources Code Section 40191, as it currently exists or amended thereafter.

DDD. "Source Separated" means materials, including commingled Recyclable Materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, and as otherwise defined in 14 CCR Section 17402.5(b)(4), as it currently exists or amended thereafter. For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, Owner, Owner's employee, property manager, or property manager's employee into different Containers for the purpose of collection such that Source Separated materials are separated from Non-Organic Waste or other Solid Waste for the purposes of collection and processing.

EEE. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following: (1) Supermarket; (2) Grocery store with a total facility size equal to or greater than 10,000 square feet; (3) Food service provider; (4) Food distributer; and (5) Wholesale food vendor.

FFF. "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following: (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet; (2) Hotel with an on-site food facility and 200 or more rooms; (3) Health facility with an on-site food facility and 100 or more beds; (4) Large Venue; (5) Large Events; (6) A state agency with a cafeteria with 250 or more seats or a total

cafeteria facility size equal to or greater than 5,000 square feet; and (7) A local education agency with an on-site food facility.

8.12.020 Littering Prohibited.

A. No Owner or Occupant shall throw, drop, leave, dump, bury, place, or otherwise dispose of any Refuse, or allow any other Person to dispose of Refuse, upon his/her/their Premises except in a regularly designated Disposal Site; provided, however, building materials may be kept on Premises during a period of active construction, reconstruction, or repair of a building or structure thereon under a valid building permit; and wood may be kept neatly piled upon Premises for household use; and garden waste may be composted in a manner approved by the City Manager.

B. No Person shall throw or deposit or cause to be thrown or deposited, any Refuse or abandon any material whatsoever in or upon any public property, public right-of-way, watercourse, or banks of any watercourse, or upon the Premises of any other Person except at a regularly designated Disposal Site.

8.12.030 Refuse collection compulsory.

The Owner or Occupant of an occupied dwelling, house, or other place of human habitation, including a business establishment, shall be responsible for the regular collection of Refuse from said place by the authorized collector of Refuse in the City at least once each week, and shall also be responsible for the payment of all Refuse services by said authorized collector of Refuse. The Owner or Occupant of Premises upon which a hotel, restaurant, boardinghouse, or other Refuse-producing business is operated shall be responsible for the regular collection of Refuse from said place by the authorized collector of Refuse in the City at least twice each week and shall also be responsible for the payment of all Refuse services by said authorized collector of Refuse. The City Manager may require a greater number of collections per week, provided, however, that, upon a showing of hardship or unnecessity, the City Manager may exempt any single location from the requirements of this section.

8.12.040 Containers – Generally.

No Owner or Occupant shall fail or neglect to provide or have provided a sufficient number of Containers for receiving and holding, without leakage or escape of odors, all Refuse created, produced, or accumulated on the Premises, and all such Refuse shall be deposited in such Containers. Containers shall at all times be kept in good, useful, and sanitary condition. Containers shall be kept continuously closed except when Refuse is being placed therein or removed therefrom, and shall at all times be closed against the access of flies, rodents, and other animals. Containers used shall be those provided by the Franchise Holder.

8.12.050 Containers – Number.

All Premises shall have sufficient Containers to hold all Refuse created, produced, or accumulated on the Premises between required removals. Customers may arrange for use of Bins or Drop Boxes instead. These arrangements shall be made with the Franchise Holder on the basis

of charges established by the terms of the franchise or by resolution of the City, as the case may be.

8.12.060 Containers – Designated Materials in Containers.

Residential Customers shall only place Organic Waste in the Organic Waste Container and Non-Organic Waste in the Non-Organic Waste Container. Customers shall not place Excluded Waste in Containers.

8.12.070 Containers – Restrictions.

Any Container in excess of the number of Containers containing Refuse which the Customer is entitled to have collected according to the charge he/she/they pays shall not be collected.

8.12.080 Containers – Location.

Containers shall not be placed or allowed to remain in or on any street or alley right-of-way unless authorized by the City Manager. Except for handicapped Customers, residential Customers shall place their Containers curbside for collection day.

8.12.090 (Reserved)

8.12.100 Special arrangements.

The Owner or Occupant of a Premises, or two or more such Persons acting jointly, may request the Council to approve a plan whereby special arrangements are made for effective and efficient Refuse removal. The proposed plan shall include a statement of expected charges and such other comments as the City Manager considers appropriate. The Council is authorized to grant variances to any provision of this chapter and to approve the proposed plan with such conditions as are deemed necessary.

8.12.110 Placement.

Subject to the prohibitions of HMC 8.12.080, Containers shall be placed for collection of their contents in the following manner:

A. On single-family and two-family Premises:

1. Where alleys exist, upon the Customer's Premises immediately adjacent to and accessible from the alley without the necessity of entering the Premises;

2. Where alleys do not exist, upon the Customer's Premises at a location no greater than the curbside of the street fronting the Premises; provided, that the City Manager may approve an agreement between the Customer and the Franchise Holder as to the location of Refuse for collection.

B. Containers for service to multiple-dwelling Premises and Refuse-producing businesses shall be placed in a location no greater than 50 feet from the nearest point where the Franchise

Holder's vehicle can reasonably be parked. Drop Boxes shall be located as agreed upon between the Customer and the Franchise Holder. In case of dispute, the location shall be as determined by the City Manager.

C. Containers for required service may be placed on Premises at a location other than as provided in subsections A and B of this section set forth as may be provided in the schedule of charges adopted by the Council from time to time.

D. Containers may be placed for collection of their contents no earlier than noon on the day before the scheduled collection day, and must be removed from the collection point and placed in accordance with subsection (A)(2) of this section no later than noon on the day following the scheduled collection day.

E. All Containers not set out for collection must be screened from public view, where possible. If conditions of the Customer's Premises make it impossible to screen Containers from public view, Containers shall be stored as far from the curb and as out of the public view as possible under the circumstances.

8.12.120 Hazardous Materials prohibited.

No Person shall deposit in any Container used for Refuse, any explosive, highly flammable, radioactive, toxic, or other Hazardous Material or substance without having first made special arrangements for the disposal thereof with a Franchise Holder or Permit Holder. No Person shall deposit any such Hazardous Material in a Disposal Site without having first made special arrangements for the disposal thereof with the Disposal Site operator.

8.12.130 Hours.

No collection shall be made in residential districts, as shown on the zoning map of the City, prior to 6:00 a.m. or after 6:00 p.m. No collections shall be made at schools, churches, offices, or Commercial establishments in or adjacent to residential districts prior to 5:00 a.m. or after 9:00 p.m.

8.12.140 Use restrictions.

Notwithstanding the provisions of HMC 8.12.030, Refuse may be used for animal feed, soil improvement, recycling, or other beneficial purpose; provided, such use complies with this chapter and all other laws. Except as authorized pursuant to HMC 8.12.100, no Person shall use, store, or transport Refuse for any beneficial purpose without having a valid permit therefor issued by the City Manager. The City Manager shall issue or amend a permit upon terms and conditions as are determined to be necessary to ensure that the use or the proposed use complies with existing laws and regulations and does not create a health menace or a nuisance.

A. Self-Haulers shall Source Separate all Recyclable Materials and Organic Waste (materials that City otherwise requires generators to separate for collection in the City's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, as the sections currently exist or thereafter amended, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility.

B. Self-Haulers shall haul their Source Separated Non-Organic Recyclables and Source Separated Organic Waste to a facility that recovers those materials; and haul their Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

C. Self-Haulers that are Commercial Businesses shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to inspection by the City. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.

2. The amount of material in cubic yards or tons transported by the generator to each entity.

3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

8.12.150 Transportation – Spill prevention.

Refuse hauled by any Person over any street or road in the City shall be securely tied or covered during the hauling thereof. No Person shall allow Refuse to leak, spill, blow off, or drop from any vehicle on any street or road.

8.12.160 Transportation – Vehicle requirements.

All collections by Franchise Holder shall be made with vehicles of a design approved by the City Manager. All collections shall be made as quietly as possible and the use of any unnecessarily noisy trucks or equipment is unlawful.

8.12.170 Ownership.

All Refuse upon being removed from the Premises where created, produced, or accumulated shall become and be the property of the Franchise Holder and upon being deposited in an authorized Disposal Site shall forthwith become the property of the Owner of the site.

8.12.180 Interference with Containers prohibited.

No Person other than the Owner or Occupant of Premises, an employee of the City, or an employee of the Franchise Holder shall tamper with or interfere in any manner with any Container or the contents thereof.

8.12.190 Interference with collection prohibited.

No Person shall by any means hinder, obstruct, or interfere with the removal or transportation of Refuse by Franchise Holder.

8.12.200 Inspection.

The City Manager is authorized to conduct inspections and investigations, at random or otherwise, of any collection Container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Customers (including Multi-Family Residential Dwellings), Owners, Commercial Edible Food Generators, Franchise Holder, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow City to enter the interior of a private residential property for inspection.

8.12.210 Refusal to collect – Notice.

A Franchise Holder shall notify the City Manager whenever the collector has refused to pick up a Container because the Container is dilapidated, disintegrated, overloaded, contains dangerous materials, or the Container has been tipped over and the contents scattered. A franchise holder shall notify the City Manager when he/she/they observes any violations of this chapter.

8.12.220 Refusal to collect – Marking.

Whenever a Franchise Holder gives or intends to give a report to the City Manager, he/she/they shall place a tag on the Container or otherwise give the Owner or Occupant notice of the substance of his/her/theirreport to the City Manager. Whenever an authorized representative of the City observes a violation of this chapter, he/she/they shall place a tag on the Container or otherwise give the Owner or Occupant notice of the illegal condition. The tag or other notice shall have a copy of the penalties set forth in this chapter printed upon it and shall inform the Owner of the action necessary to correct the illegal condition. The Owner or Occupant shall, within seven days, correct the illegal condition.

8.12.230 Collector franchise – Required.

No Person shall collect, transport, or use Refuse in the incorporated area of the City without first receiving a franchise or permit to engage in such activity.

8.12.240 Collector franchise – Granting.

A franchise agreement may be entered into for the collection and disposal of Refuse in the City in accordance with and subject to the terms and conditions of this chapter and such terms and conditions as may be imposed by the Council.

8.12.250 Collector franchise – Bid procedure.

Before entering into such agreement, the City may, but shall not be required to, call for bids for a franchise. In the event the Council elects to call for bids, the form of proposals and the time and place for receiving bids shall be fixed by resolution of the Council; a notice thereof shall be published one time in a newspaper published or circulated in the City, which notice shall specify the time the agreement is to run. The scheduled rates offered by each bidder shall be based upon classifications as may be designated by resolution of the Council and the Council shall have the right to reject all bids. Where bids have been solicited and received and where the Council has not elected to reject all bids, the franchise shall be awarded to the lowest qualified bidder.

8.12.260 Collector franchise – Statement required.

Prior to the granting of a franchise, the bidder, if any, or applicant, and on July 1st of each year after the grant, the Franchise Holder, shall file a statement of ownership, operational capability, and financial support and shall verify the same as being true and correct under penalty of perjury. The statement shall be in such form as may be prescribed therefor by the City Manager.

8.12.270 Collector franchise – Exclusivity.

Within the City, the Franchise Holder shall have the exclusive right to make all collections of Refuse; however, as provided by HMC 3.12.290 through 3.12.320, other Persons may be issued permits which can be exercised in the City unless such franchise agreement grants exclusivity to the franchisee thereunder.

8.12.280 Collector franchise – Disposal requirements.

The Franchise Holder shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:

A. Identify the facilities to which they will transport Organic Waste and Non-Organic Waste, through written notice to the City, no later than 90 days before the City's reporting deadline as defined in 14 CCR Section 18994.2, as it currently exists or amended thereafter.

B. Transport Organic Waste and Non-Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as currently defined in 14 CCR, Division 7, Chapter 12, Article 2, and amended thereafter.

C. Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting construction and demolition debris in a manner that complies with 14 CCR Section 18989.1, and Section 8.12.680 of this ordinance.

8.12.290 Permit – Granting.

The City Manager may grant a permit for collections other than those provided for by HMC 8.12.030 to collect, transport, or use Industrial Refuse upon application therefor whenever in the opinion of the City Manager the granting of such permit is in the public interest and welfare and the existing franchise agreement does not provide for exclusivity. The Permit Holder

shall meet the requirements and standards identified in HMC 8.12.280 as a condition of approval of a permit.

8.12.300 Permit – Period.

Such permits may be granted for any period not to exceed one year. Permits may be renewed upon expiration thereof for a similar term; provided, that the City Manager finds that the Permit Holder is capable of continuing operations in conformity with the provisions of this chapter and the rules and regulations of the Council.

8.12.310 Permit – Contents.

Every such permit granted by the City Manager shall be subject to the provisions of this chapter and the rules and regulations of the Council. The permit shall state:

A. The name and address of the Person to whom the permit is issued;

B. The activity authorized;

C. The area in which the activity is authorized;

D. The term for which the permit is granted;

E. Such other conditions as the Council may provide.

8.12.320 Permit – Application.

Applicants for a permit or for the renewal of a permit to collect, transport, or use Refuse shall file with the City Manager a verified application in writing which shall give the following information:

A. Name and description of the applicant;

B. Permanent home and business address and full local address of the applicant;

C. Trade and firm name;

D. If a joint venture, a partnership, or limited partnership, the names of all partners and their permanent addresses. If a corporation, the names and permanent addresses of all the stockholders and the officers and the percentage of participation of each;

E. A detailed explanation of the manner in which the applicant will conduct the activity for which the permit is requested;

F. The applicant's arrangements for the disposal of all Refuse collected or transported by him/her/them at an approved Disposal Site or his/her/their arrangements for other authorized disposal;

G. Facts showing that the applicant is able to render efficient Refuse service;

H. That the applicant owns or has under his/her/their control in good mechanical condition sufficient equipment to adequately conduct the business for which a permit is requested;

I. That his/her/their vehicles and equipment conform to all applicable provisions of this chapter;

J. That the applicant shows to the satisfaction of the City Manager that the issuance of a permit is in the public interest, and there is need for a permit to be issued;

K. Such other facts or information as the City Manager may require.

8.12.330 Charges – Service required.

A Franchise Holder shall provide Refuse removal service to all Premises situated with the City. A Franchise Holder shall not be required to service oversize, overweight, or unsafe Containers. A Franchise Holder shall not be required to continue to provide Refuse removal if the Owner or Occupant has failed to pay the charges for service for a period of 60 days. Prior to terminating service for nonpayment of charges, the Franchise Holder shall, at least 14 days prior to termination, provide written notice of intention to terminate, a copy of which shall be given to the City Manager.

8.12.340 Charges – Amount.

Charges to Customers of a Franchise Holder for Refuse removal service shall be determined by the terms of the franchise. A basic charge shall be established by the Council, payment of which shall entitle a residential Customer to have the contents of one Organic Waste Container and one Non-Organic Waste Container removed from his/her/their Premises once a week by a Franchise Holder. The Council may approve an agreement between the Customer and the Franchise Holder to provide additional service for an additional charge. The charges may be revised by the Council from time to time after a public hearing thereon and a determination by the Council that a change is in the public interest.

8.12.350 Charges – Determination.

Charges to Customers for rubbish removal service provided by the holder of a permit may be set by the Council by resolution and may be revised by the Council from time to time as it determines to be necessary.

8.12.360 Charges – Uniformity required.

All charges for fees for service by a Franchise Holder shall be uniform for the same services as fixed and approved by the Council. Any Customer contending that he/she/they has been required to pay an unreasonable charge for any service or has in any manner been subject to an overcharge, may file a written complaint with the City Manager setting forth the facts of such alleged overcharge and the City Manager shall notify the Franchise Holder of the complaint and shall investigate the matter of the complaint and shall determine the charge.

8.12.370 Fees – Franchise.

To provide for the administration and enforcement of this chapter, the Council may require that the holder of a franchise pay to the City a franchise fee based on percentage of gross receipts realized from services required to be furnished by this chapter or other reasonable basis. The amount of the franchise fee shall be one of the terms of the franchise. The franchise fee may be revised by the Council from time to time after a public hearing thereon and a determination by the Council that a change is in the public interest.

8.12.380 (Reserved)

8.12.390 Fees – Industrial permit.

The permit fee for engaging in the business of collecting Industrial Refuse shall be a fee as approved by the Council, payable on July 1st of each year. In addition to the annual fee, the holder of a permit for engaging in the business of collecting Industrial Refuse shall pay annually to the City, within 60 days following the close of the fiscal year, an amount equivalent to eight percent of the gross receipts derived from the furnishing of such Industrial Refuse collection services within the incorporated areas of the City.

8.12.400 Fees – Permit.

The permit fee for any other activity involving Refuse shall be a fee as approved by the Council, payable on July 1st of each year.

8.12.410 Fees – Payment.

Fees shall be paid to the City clerk who shall deposit them to the general fund or such other fund as the Council may designate.

8.12.420 Bond required.

A Franchise Holder shall post a bond with the City in the amount provided for in the franchise agreement.

A Permit Holder shall file with the City Manager a faithful performance bond or other form of security satisfactory to the City Manager in an amount determined by the City Manager not more than $10,000 nor less than $1,000.

8.12.430 (Reserved)

8.12.440 Transferability of franchise or permit.

No franchise or permit granted pursuant to the provisions of this chapter and no ownership interest in any Franchise or Permit Holder shall be sold, transferred, leased, assigned, mortgaged, pledged, hypothecated, or otherwise encumbered or disposed of in whole or in part, directly or indirectly, whether voluntarily or by operation of law or through any stock transfer, transfer in trust, change in control, consolidation or merger, without the prior written consent of the Council. The Council may grant or deny such a request and may impose conditions as it may

deem to be in the public interest. Any disposition made without consent shall constitute good cause for revocation of the affected franchise or permit.

8.12.450 Revocation of franchise.

In the event of suspension or revocation of a franchise, the City shall have the right forthwith to take possession of all trucks and other equipment of the Franchise Holder for the purpose of collecting and disposing of Refuse and performing all other duties which the Franchise Holder is obligated to perform. The City shall have the right to retain possession of such trucks and equipment until other suitable trucks and equipment can be purchased or otherwise acquired by the City for such purpose. The City shall pay the Franchise Holder a reasonable rental for the use of such trucks and equipment.

8.12.460 Employee requirements.

The City may, at its option, require photographing and fingerprinting of applicants for a franchise or permit and of the employees of the Franchise Holder or Permit Holder.

8.12.470 Interruption of service – Labor dispute.

In the event the Refuse collection of a Franchise Holder is interrupted by a labor dispute and scheduled collections are discontinued for more than 72 hours, the City shall have the right to forthwith take temporary possession of all facilities and equipment of the Franchise Holder for the purpose of continuing the service which the Franchise Holder has agreed to provide in order to preserve and protect the public health and safety. The City has the right to retain possession of such facilities and equipment and to render the required services until the Franchise Holder can demonstrate to the satisfaction of the City that required services can be resumed by the Franchise Holder; provided, however, that the temporary assumption of the Franchise Holder's obligations under the franchise shall not be continued by the City for more than 120 days from the date such operations were undertaken. Should the Franchise Holder fail to demonstrate to the satisfaction of the City that required services can be resumed by the Franchise Holder prior to the expiration of the 120 days, the rights and privileges granted to the Franchise Holder may be forfeited and the franchise may be revoked.

8.12.480 Interruption of service – City responsibility.

During any period in which the City has temporarily assumed the obligation of the Franchise Holder under HMC 8.12.470 through 8.12.490, the City shall be entitled to the gross revenue attributable to operations during such period and shall pay therefrom only those costs and expenses, including a reasonable rental for use of trucks and equipment, applicable or allocable to the period. The excess, if any, of revenue over applicable or allocable costs and expenses during such period shall be deposited in the treasury of the City to the credit of the general fund. Final adjustment and allocation of gross revenue, costs, and expenses to the period during which the City temporarily assumed the obligations of the Franchise Holder shall be determined by an audit by a certified public accountant or licensed public accountant and prepared in report form with his/her/their opinion annexed thereto.

8.12.490 Interruption of service – Employee use.

Employees of the Franchise Holder may be employed by the City during any period in which the City temporarily assumes the obligations of the Franchise Holder under this chapter; provided, however, that the rate of compensation to be paid such employees, or any other employees, shall be the rate or rates in effect at the time the Franchise Holder's service was interrupted by the labor dispute and the terms and conditions of employment shall be the same as provided by the Franchise Holder. (Ord. 90-10 § 1, 1990)

8.12.500 Recordkeeping.

Each Person granted a franchise or permit under the provisions of this chapter shall maintain detailed records of all receipts and expenditures received or incurred in the operations of such business, including all fees collected for services rendered. The City, its officers and employees shall be entitled to inspect, audit, and copy such books and records upon reasonable notice during normal business hours.

8.12.510 Audit required.

A Franchise Holder shall annually provide the City with a copy of an audit within 60 days after the close of the holder's fiscal year. The audit shall be prepared by a certified public accountant or licensed public accountant who has annexed his/her/their opinion thereto. The accountant shall be entirely independent of the Franchise Holder, shall not be an employee directly or indirectly of the Franchise Holder, and shall have no financial interest whatsoever in the business of the Franchise Holder. The City shall specify the form and detail of the annual audit. In the event of failure to provide any such annual audit, the City may employ a qualified accountant or the County auditor to conduct the audit and the Franchise Holder in such case shall be liable for and shall pay the costs and expenses of the audit.

8.12.520 Vehicles – Requirements.

All Refuse collection shall be made with a vehicle and equipment of a design approved by the Council. All Refuse collections shall be made as quietly as possible and noise abatement shall be a consideration of vehicle and equipment inspections and approval. Vehicles transporting Refuse shall be kept clean and sanitary and shall be disinfected immediately after being used.

8.12.530 Vehicles – Cleanliness.

All trucks of a Franchise Holder shall be clean, sanitary, and well painted. The Franchise Holder shall have printed or stenciled in a prominent place on the exterior of each vehicle used by him in the collection of Refuse the following information in four-inch letters:

Truck # _____

Franchise Holder (name)

8.12.540 Vehicles – Inspection.

The City Manager is authorized to provide inspections of all vehicles and equipment of a Franchise or Permit Holder at a place designated by the City Manager. Vehicles and equipment

shall conform to the requirements of the California Vehicle Code, this chapter, and rules or regulations of the Council.

8.12.550 Vehicles – Equipment required

The holder of a franchise or permit shall equip each vehicle hauling Refuse with a shovel, broom, and fire extinguisher of a type approved by the Council.

8.12.560 Name restrictions.

A Franchise or Permit Holder shall not use a firm name containing the words "city" or "Hughson" or other words implying City ownership. The Franchise or Permit Holder shall establish and maintain an office where service may be applied for and complaints made. The office shall be equipped with a listed telephone to which calls from City residents may be placed without payment of a toll charge and shall have a responsible person in charge between the hours of 8:00 a.m. and 5:00 p.m. of each day except Saturdays, Sundays, and holidays.

8.12.570 Service records.

A Franchise Holder shall supply the City Manager current maps and schedules of collection routes. Maps and schedules of routes shall be updated within 90 days of receipt of a final subdivision map that includes final approved street names and addresses of a new residential subdivision or commercial/industrial development.

8.12.580 (Reserved)

8.12.590 Billing.

Franchise Holder may bill a Customer and collect service charges in accordance with the rates adopted by the Council for Refuse removal service. A Franchise Holder and the City may enter into an agreement whereby the City will bill the Customer and pay the Franchise Holder for services rendered. Such an agreement shall set forth the respective duties and responsibilities of the Franchise Holder and City regarding the billing and collection of such charges.

8.12.600 Enforcement.

The health officer of the Stanislaus County health department is designated to enforce all health-related violations of this chapter.

8.12.620 (Reserved)

8.12.630 (Reserved)

8.12.640 (Reserved)

8.12.650 Requirements for Commercial Edible Food Generators

A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 8.12.650 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities, as defined by Health and Safety Code Section 113789. operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.

C. Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

2. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

4. Allow City's designated enforcement entity or designated third party enforcement entity to access the Premises and review records pursuant to 14 CCR Section 18991.4.

5. Keep records that include the following information, and as otherwise specified in 14 CCR Section 18991.4, as it current exists and amened thereafter:

    a. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

    b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

    c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

        i. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

        ii. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

        iii. The established frequency that food will be collected or self-hauled.

        iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

d. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

8.12.660 Requirements for Food Recovery Organizations and Services

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement shall maintain the following records, unless specified otherwise by 14 CCR Section 18991.5(a)(1), as it currently exists and amended thereafter:

1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement shall maintain the following records unless specified otherwise by 14 CCR Section 18991.5(a)(2), as it currently exists and amended thereafter:

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators, no later than 90 days before the City's reporting deadline as defined in 14 CCR Section 18994.2, as it currently exists or amended thereafter.

D. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the City that provides solid waste collection services, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

8.12.670 Requirements for Facility Operators and Community Composting Operations

A. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly owned treatment works shall, upon City request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

B. Community Composting operators, upon City request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

8.12.680 Compliance with CALGreen Recycling Requirements

Persons applying for a permit from the City for new construction and building additions and alternations shall comply with Section 4.408.1, 4.410.2, 5.410.1, and 5408.1 of CALGreen, as each section currently exists or amended thereafter, if its project is covered by the scope of CALGreen or more stringent requirements of the City. If the requirements of CALGreen are more stringent then the requirements of this Section, the CALGreen requirements shall apply.

8.12.690 Model Water Efficient Landscaping Ordinance Requirements (MWELO)

Owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO.

8.12.700 Procurement Requirements for City Departments, Direct Service Providers, and Vendors

A. City departments, and Direct Service Providers and Vendors to the City, as applicable, must comply with the City's Recovered Organic Waste Product procurement policy.

B. All Direct Service Providers and Vendors providing Paper Products and Printing and Writing Paper shall:

1. If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non-recycled items.

2. Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12, as it currently exists or amended thereafter.

3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4. Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013), as it currently exists or amended thereafter.

5. Provide records of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both Recycled-Content and non-Recycled Content, if any is purchased) made by any division or department or employee of the City. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Sections 8.12.700(b)(3) and 8.12.700(b)(4) of this ordinance for Recycled-Content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none).

8.12.710 Waivers

A. De Minimis Waivers: The City Manager may waive a Commercial Business' obligation to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Section 8.12.710(a)(2) below. Commercial Businesses requesting a de minimis waiver shall:

1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section 8.12.710(a)(2) below.

2. Provide documentation that either:

    a. The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in an Organic Waste Container comprises less than 20 gallons per week per applicable Container of the business' total waste; or,

b. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in an Organic Waste Container comprises less than 10 gallons per week per applicable Container of the business' total waste.

3. Notify City Manager if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

4. Provide written verification of eligibility for de minimis waiver every 5 years, if City Manager has approved de minimis waiver.

B. Physical Space Waivers: City Manager may waive a Commercial Business' or Owner's obligations to comply with some or all of the Recyclable Materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, Franchise Holder, licensed architect, or licensed engineer demonstrating that the Premises lacks adequate space for the collection Containers required for compliance with the Organic Waste collection requirements of Section 8.12.640.

1. A Commercial Business or Owner may request a physical space waiver through the following process:

   a. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

   b. Provide documentation that the Premises lacks adequate space for an Organic Waste Container including documentation from its Franchise Holder, licensed architect, or licensed engineer.

   c. Provide written verification to City Manager that it is still eligible for physical space waiver every five years, if City Manager has approved application for a physical space waiver.

8.12.720 Enforcement

A. Violation of any provision of Chapter 8.12 shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a City Manager. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.

B. Process for Enforcement

1. City Manager will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an inspection program Section 8.12.200 establishes City's right to conduct inspections and investigations.

2. City may issue an official notification to notify regulated entities of its obligations under the ordinance.

3. For incidences of Prohibited Container Contaminants found in Containers, City will issue a Notice of Violation to any Owner or Occupant found to have Prohibited Container Contaminants in a Container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants. If the City observes Prohibited Container Contaminants in an Owner or Occupant's Containers on more than two (2) consecutive occasions, the City may assess contamination processing fees or penalties on the Owner or Occupant.

4. With the exception of Prohibited Container Contaminatnts found in Containers, addressed under Section 8.12.720(B)(3), City shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.

5. A Notice of Violation shall include the following information:

    a. The name(s), or account name(s) if different, of each person or entity to whom it is directed.

    b. A factual description of the violations of this chapter, including the section(s) being violated.

    c. A compliance date by which the violator is to take specified action(s).

    d. The penalty for not complying within the specified compliance date.

6. Absent compliance by the violator within the deadline set forth in the Notice of Violation, City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to HMC Enforcement Chapter 1.17.

    a. Notices shall be sent to Owner at the official address of the Owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information.

7. The penalty levels are as follows:

    a. For a first violation, the amount of the base penalty shall be $100 per violation.

    b. For a second violation, the amount of the base penalty shall be $200 per violation.

    c. For a third or subsequent violation, the amount of the base penalty shall be $500 per violation.

8. The City Manager may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 8.12.720(B)(5)(c) if it finds that there are extenuating

circumstances beyond the control of the violator that make compliance within the Notice of Violation deadlines impracticable, including the following:

a. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;

b. Delays in obtaining discretionary permits or other government agency approvals; or,

c. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2, as it currently exists or amended thereafter, due to those deficiencies.

Section 2 If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the validity of any particular portion thereof.

Section 3 This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4 Within fifteen (15) days after its final passage, the City Clerk shall cause a summary of this Ordinance to be published in accordance with California Government Code section 36933.

Section 5 This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on November 8, 2021, and by a vote of the Council members present, further reading was waived.

On motion of Councilperson Hill, seconded by Councilperson Buck, the foregoing Ordinance was passed by the City Council of the City of Hughson at a regular meeting held on November 22, 2021, by the following votes:

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AYES: MAYOR CARR, HILL, BUCK, BAWANAN, RUSH

NOES: NONE.

ABSTENTIONS: NONE.

ABSENT: NONE.

APPROVED:

GEORGE CARR, Mayor

ATTEST:

ASHTON GOSE, Deputy City Clerk