Call to Order
Roll Call

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter scheduled for Closed Session.

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: John Hale; Michael Tolladay; and CZEM, LLC vs. City of Porterville, City Council of the City of Porterville, and Does 1-10 w/Viejo Robles Corporation and Ennis Commercial Properties, LLC as Real Parties in Interest.
   7- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   9- Closed Session Pursuant to Government Code § 54957 - Public Employee Performance Evaluation - Title: City Manager

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Pete McCracken
Invocation

PROCLAMATION
“America Recycles Week” - November 13th - November 19th

PRESENTATIONS
Employee of the Month - Nathan Delk
CAL/LAFCo Presentation
Friends of the Library Donation
Police Volunteer Program
ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time.

CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. Approval of City Council Minutes of September 19, 2006; October 3, 2006; and October 30, 2006

2. Budget Adjustment - Fire Department
   Re: Authorizing acceptance of, and related budget adjustment for, $1,500 grant from Wal-Mart Stores, Inc. for the purchase of fire prevention materials.

3. Budget Adjustments for the 2005-06 Fiscal Year End
   Re: Authorizing repayment of $134,430 from Police Carry-Over Account to the Police Equipment Replacement Fund; $59,916 from Parks Carry-Over Account to the Parks Equipment Replacement Fund; and $78,852.94 from Parks Carry-Over Account to the Fire Department Equipment Replacement Fund to account for 2005/2006 budget deficits in the Police and Parks Departments.

4. Award Contract - 3M Library System
   Re: Awarding contract to 3M Library Systems in an amount not to exceed $140,000 to upgrade the Library’s book security system.

5. Award Contract - Carpet City Facilities
   Re: Awarding contract to Rainbow House of Carpets of Porterville in the amount of $16,152.96 for installation of carpet at the Porterville Public Library.

6. Award Contract - Digital Loggers, Inc.
   Re: Awarding contract to Digital Loggers, Inc. to replace the Police Department’s communications recording system as a cost not to exceed $25,000.

7. Award Contract - Airport Improvement Project
   Re: Awarding contract to Valley Slurry Seal of Sacramento in the amount of $345,783.56 for rehabilitation of taxiways and apron, and access gate improvements and electrical at the Porterville Municipal Airport.

8. Acceptance of Improvements - Riverview Estates, Phase Four Subdivision (Greg Woodard - Woodard Homes)
   Re: Accepting public improvements for maintenance for a portion of Subdivision generally located along West Union Lane and South Parkwest Street, and authorizing the filing of the Notice of Completion.

9. Approve Grant of Easement - Conveyance of Land Use Rights to Ennis Commercial Properties, LLC (Ben Ennis, President)
   Re: Accepting conveyance of easement for construction, repair, maintenance and use of a secondary access along small sliver of land along the north border of Centennial Park located on Main Street.

10. Intent to Abandon a Portion of Garden (Ramos Family)
    Re: Considering approval of Resolution of Intent to abandon Garden Avenue between the east right-of-way of Fourth Street and the west right-of-way of the A.T. & S.F. Railroad, and setting December 5, 2006 as the time for the public hearing.

11. Request for Council Consideration of a Sidewalk Waiver for 192 West School Avenue (Larry Long)
12. **Curbside Recycling Program Update**  
Re: Informational item on the recently implemented “Blue Can” program.

13. **Approval for Community Civic Event - Downtown Porterville Association - Tree Lighting Ceremony, November 24, 2006**  
Re: Approving annual tree lighting and caroling event to take place at the corner of Main Street and Thurman Avenue from 6:00 p.m. to 9:00 p.m.

14. This Item has been removed.

15. **Parks & Leisure Services Department Logo**  
Re: Considering the Parks & Leisure Services Commission’s recommendation for a new logo.

16. **Acceptance of Donated Vehicle**  
Re: Authorizing the Police Department to accept surplused van from Eagle Mountain Casino for use as a SWAT utility vehicle.

17. **Airport Property Rented to the Police Department**  
Re: Authorizing month-to-month rental of hangar and office space at the Porterville Municipal Airport for $1,000 per month to the Porterville Police Department.

18. **Request for Street Closure - Myers’ Twelfth Annual Christmas Tree Memorial Service**  
Re: Approving street closure for annual event to take place in front of Myers’ Chapel on E Street on December 7, 2006 at 7:00 p.m.

19. **Airport Lease - Lot 31A (Creager)**  
Re: Approving the assigning of the lease agreement between the City of Porterville and Dr. Westel L. Creager to James Costa.

20. **Airport Lease - Lot 46E (Matthews)**  
Re: Approving the assigning of the lease agreement between the City of Porterville and Donald M. And Marjorie E. Matthews to Lloyd B. Janzen and Bruce D. Janzen; and approving the modification to the lease revising the term and allowing the future extension of the lease.

21. **Airport Land Dry Farming Lease Agreement**  
Re: Approving the Lease Agreement between the City of Porterville Airport Fund and Mr. Jeff Sheets for a three-year period, pursuant to FAA requirements.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

### PUBLIC HEARINGS

22. **Budget Adjustment/Citizens’ Option for Public Safety (COPS) Program Funding**  
Re: Authorizing use of funds in the approximate amount of $100,000 to offset costs for full-time sworn officer, community services officer, and all necessary training, equipment and overtime costs.

23. **Title VI Report**  
Re: Taking public testimony and considering adoption of Title VI Report, as required by Federal regulations pertaining to the City’s transit system.

24. **Zoning Ordinance Amendment 2006-7 (Formerly 3-2004) - An Ordinance Amending Various Signage Regulations**
Re: Considering draft ordinance amending signage regulations pertaining to temporary signs, signage height requirements, and signage size.

25. **Zoning Ordinance Amendment 2006-9 an Ordinance Amending Various Subdivision Regulations**
   Re: Considering draft ordinance amendment to include State mandated updates to the Subdivision Map Act, discontinuance of the Subdivision Review Committee, and the inclusion of Land Maintenance District and pocket park components.

26. **Ennis Estates Tentative Subdivision Map (Ennis Homes)**
   Re: Continuing the public hearing to the Meeting of November 21, 2006, pursuant to the Applicant’s request.

**SECOND READINGS**

27. **Ordinance No. 1707, Proximity of Registered Sex Offenders to Children's Facilities**
   Re: Giving Second Reading to Ordinance 1707, adding Article V, Sections 18-55 through 18-60 to Chapter 18 of the Porterville Municipal Code Concerning Proximity of Registered Sex Offenders to Children’s Facilities.

28. **Ordinance No. 1708, Skatepark Regulations**
   Re: Giving Second Reading to Ordinance 1708, adding Article IV, Sections 19-45 through 19-49 to Chapter 19 of the Porterville Municipal Code Concerning Skateboard Facilities.

**SCHEDULED MATTERS**

29. **Consideration of Establishing a Porterville Courthouse Steering Committee and Appointing Members to the Committee**
   Re: Consideration of defining the purpose of the Courthouse Steering Committee and defining it’s membership and selection process.

30. **Transaction and Use Tax Oversight Committee Appointment**
   Re: Consideration of appointing another member to the Transaction and Use Tax Oversight Committee to replace Carman Martinez-Eoff.

31. **Appointment to Audit Committee**
   Re: Consideration of appointing a member of the City Council to the Audit Committee, and defining the process to select the public member of the Committee.

32. **Consider Rejection of Bid - Pool Water Slide Project**
   Re: Considering whether to reject bid or award contract to Webb & Son, in the amount of $183,289.75 for installation of water slide at northeast corner of Municipal Swimming Pool.

33. **Request for a One (1) Year Extension of Time for a Temporary Use Permit for Remote Control Car Track**
   Re: Approving a one-year extension to allow operation of a remote control car track at the site located on the south side of Henderson Avenue, east of Fourth Street.

34. **Alternatives for Pothole Patching**
   Re: Considering options available to address the pothole situation, including use of staff utilizing conventional methods; purchasing SP-10 Spray Patch Trailer at an approximate cost of $50,000; or purchasing Roadpatcher unit, for possible shared-use with other agencies, at an approximate cost of $150,000.

35. **Interim Reorganization for Community Development**
   Re: Consideration of reorganizing the Community Development Department for the remainder of the Fiscal Year by: hiring an interim Community Development Director; the Public Works Director to have
overall supervision of both Departments; and, hiring the firm of Provost and Pritchard to provide basic management and planning assistance for selected critical projects.

36. Assemblyman Maze Request for Legislative Remedies Necessary for the City of Porterville Re: Informational item on annual request by State Legislator for ideas and recommendations.

Adjourn to a Meeting of the Porterville Redevelopment Agency

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
November 7, 2006

Roll Call: Agency Members

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS
This is the opportunity to address the Agency on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time.

SCHEDULED MATTER

PRA-1. Authorization to Refund Loan Payment to Owner of Home in Casas Buena Vista Subdivision
Re: Authorizing $10,000 refund to Jose and Evangelina Ramirez contingent upon the execution of a new loan agreement with affordability covenants with the PRA for value received in the Cases Buena Vista Subdivision.

Adjourn the Redevelopment Agency Meeting to a meeting of the City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION
Any Closed Session Items not completed prior to 7:00 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of November 21, 2006

It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Chief Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
Call to Order at 6:03 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez (arrived late), Mayor Pro Tem Felipe Martinez, Mayor Hamilton (Note: One Council Seat Vacant)

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1 - Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Council Member Pete McCracken
Invocation - a moment of silence was observed.

PRESENTATIONS
Camron Ascencio - 2006 World Baton Twirling Jr. Solo Champion
Dahlia V. Martinez - 2006 USTA National Juvenile Solo Champion
City Manager’s Featured Projects
Acceptance of Traffic Signal No. 8

ORAL COMMUNICATIONS
• Rick Patterson, 12228 Road 296, voiced concern with what he asserted was a health and safety issue at 200 South G Street. He requested immediate action toward abatement and spoke of his previous attempts to have staff address the situation. He then provided copies of correspondence to the City Manager and requested the Council’s assistance in resolving the matter. Mayor Hamilton requested that Mr. Patterson provide contact
information before he left that evening, and stated that he would personally look into the
matter.

• Dr. John Snavely, 538 West Kanai, came forward on behalf of the “Paint the Town”
Committee. He requested the Council’s support for their October 28th event, requesting
possible assistance by City staff and use of City refuse bins. He then spoke of the event
and indicated that it would coincide with the County’s Hazardous Waste Day.

CONSENT CALENDAR

Item Nos. 1, 2 and 4 were removed and continued to a future Council Meeting.

3. AWARD OF CONTRACT - SINGER BUILDING DEMOLITION PROJECT

Recommendation: That the City Council:

1. Award the Singer Building Demolition Project to Wise Engineering in the
   amount of $24,900;
2. Authorize progress payments per the Special Provisions, Part I, Supplementary Special
   Provisions, Final Payment of the Project Manual, which states that within 30 days of the
   Contractor’s final billing, the City must pay 100% of the sum due the contractor, provided
   that the City Engineer recommends and the City Council accepts the work as complete; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 01-091906
Disposition: Approved.

5. STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY
   SEWER SYSTEMS

Recommendation: That the City Council:

1. Approve the Notice of Intent and authorize the Water Utilities Superintendent to sign on
   behalf of the City;
2. Authorize payment of the $872 permit fee; and
3. Direct staff to develop a Sewer System Management Plan.

Documentation: M.O. 02-091906
Disposition: Approved.

6. GENERAL PLAN UPDATE PRESENTATION

Recommendation: No action recommended.

Documentation: None required.
Disposition: Report accepted.

7. RIVERWALK MARKETPLACE COMMERCIAL CENTER PROJECT; ADDENDUM
   TO THE FINAL EIR
Recommendation: That the City Council consider and approve the Addendum to the Final EIR for the Riverwalk Marketplace Commercial Center project.

Documentation: M.O. 03-091906
Disposition: Approved.

8. CLAIM - M. BURCIAGA

Recommendation: That the City Council reject said claim, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 04-091906
Disposition: Approved.

9. EXTENSION FOR ONE (1) YEAR EXTENSION OF TIME FOR THREE (3) TEMPORARY MODULAR UNITS FOR THE PORTERVILLE EVANGELICAL FREE CHURCH

Recommendation: That the City Council adopt the draft resolution approving a one (1) year extension of time commencing on September 16, 2006 and terminating on September 16, 2007.

Documentation: Resolution 123-2006
Disposition: Approved.

10. REAPPOINTMENT OF LIBRARY BOARD MEMBERS AND ANNOUNCING VACANCY ON THE LIBRARY BOARD

Recommendation: That the City Council:
1. Reappoint Ellen Nichols to the Porterville Public Library Board of Trustees; and
2. Announce the vacancy on the Library Board of Trustees, and direct that applications be accepted up to 5:00 p.m. on October 10, 2006 for Council consideration at the meeting of October 17, 2006.

Documentation: M.O. 05-091906
Disposition: Approved.

11. CITY OF PORTERVILLE CONFLICT OF INTEREST CODE - AMENDMENT NO. 6

Recommendation: That the City Council adopt the draft resolution approving the revised City of Porterville Conflict of Interest Code.

Documentation: Resolution 124-2006
12. CONSIDERATION OF A STANDARD FORMAT FOR PLAQUES COMMEMORATING PROJECTS

Recommendation: That the City Council approve the format for project commemoration plaques as recommended, and direct staff to implement their uniform use.

Documentation: M.O. 06-091906
Disposition: Approved.

13. CONSIDERATION OF RE-STRIPING STREETS WITHIN THE CITY - REQUEST FOR CONTINUATION

Recommendation: That the City Council continue the item to the meeting of October 3, 2006.

Documentation: M.O. 07-091906
Disposition: Item continued to the meeting of October 3, 2006.

13a. CITY POLICY CONCERNING THIRD PARTY PRESENTATIONS DURING CITY COUNCIL MEETINGS AND USE OF CITY EQUIPMENT

Recommendation: That the City Council consider and adopt the draft resolution and proposed City Policy Concerning Third Party Presentations During City Council Meetings and use of City Equipment.

Documentation: Resolution 125-2006
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve Item Nos. 3, and 5 through13a. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF AUGUST 15, 2006

Recommendation: That the City Council approve the City Council Minutes of August 15, 2006.

Disposition: Continued to a future meeting.

2. AUTHORIZATION TO REJECT ALL BIDS AND RE-ADVERTISE THE RAILS TO TRAILS PROJECT

Recommendation: That the City Council:
1. Reject all bids for the Rails to Trails Project; and
2. Authorize staff to re-advertise for bids once final options are agreed upon and plans are modified to bring the project within the available budget.
4. AWARD CONTRACT - SPRAYED POLYURETHANE ROOFING SYSTEMS

Recommendation: That the City Council:
1. Award the contract for the sprayed polyurethane foam roofing systems project to Universal Coatings, Inc. of Fresno, CA in the amount of $127,832;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen costs.

Mr. Longley noted for the record that he had a conflict of interest with Item No. 7 - Riverwalk Marketplace Commercial Center Project; Addendum to the final EIR.

PUBLIC HEARINGS

14. CONDITIONAL USE PERMIT 6-2006 - PROPOSED CHURCH (VICTORY OUTREACH)

Recommendation: That the City Council adopt the draft resolution conditionally approving Conditional Use Permit 6-2006 as recommended by staff in Alternative A.

City Manager John Longley presented the item, and Brad Dunlap, Community Development Director, presented the staff report, which included the following options:

Alternative A: Approve Conditional Use Permit 6-2006, while allowing the seating capacity to remain the same with an occupancy of 299 seats. The City Council could grant an exception to Section 2205 A-2 of the Zoning Ordinance to allow the use of the required 15 parking spaces available beyond the 300-foot radius of the subject site to be considered in the overall parking requirement of 60 parking spaces.

Alternative B: Approve Conditional Use Permit 6-2006 with a modification to the site plan to reduce the square footage of the sanctuary to accommodate a maximum of 225 occupants, resulting in a total of 45 parking spaces required, which would be available on site and within 300 feet of the church and in conformance with Section 2205 A-2 of the Zoning Ordinance.

Alternative C: Deny Conditional Use Permit 6-2006 and require that appropriate permits required by the Building Division be acquired, the interior construction of the building be removed, and the existing building brought back into its original character.

The public hearing opened at 7:24 p.m.
Nester Lambarena, 1192 E. Jasmine, came forward on behalf of Victory Outreach and requested the Council’s approval of the requested CUP.

Dick Eckhoff, 197 North Main Street, came forward and indicated that he was neither in favor nor against the proposed CUP, and spoke of the lack of parking in the downtown area. He referenced his comments previously provided to the Council in writing, noting that the letters provided by local business owners to the applicant regarding use of their parking, suggesting that in actuality such an arrangement might not be feasible. He spoke of the need for the City to address the parking issue downtown. Mr. Eckhoff then suggested that the center of the circle identifying the three mile radius from the subject site appeared to be located off-center.

The public hearing closed at 7:30 p.m.

Council Member Pedro Martinez spoke of the parking issue and suggested that the church’s parking needs would likely be limited, in terms of the times of usage and the fact that families generally drove together, versus one individual per vehicle. Council Member Pedro Martinez then voiced support for approval of the item.

Mayor Pro Tem Felipe Martinez acknowledged Mr. Eckhoff’s comments with regard to the parking situation downtown, and commented that the parking needs for the church would likely fall during Sundays and holidays when businesses were likely closed.

Council Member McCracken agreed that parking was an issue, but also agreed that the church would require parking during off-times. He confirmed with staff that the building and construction would be completed per Code. Council Member McCracken then noted a potential discrepancy in the number of parking spaces on the map provided. A discussion ensued as to the future plans for public parking in the downtown area.

Mayor Hamilton spoke of Mr. Eckhoff’s concerns with parking, and suggested that many businesses utilized other business’ parking without permission. He noted that the applicant had actually obtained the permission of many business owners.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve Alternative A as Resolution 126-2006 recommended in the staff report. The motion carried unanimously.

Disposition: Alternative A approved.

15. **ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)**

Recommendation: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Ennis Estates Tentative Subdivision Map; and

2. Adopt the draft resolution approving Ennis Estates Tentative Subdivision Map, subject to conditions of approval.
City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Longley indicated that at the request of the applicant, staff was recommending that the public hearing be continued to the meeting of October 3, 2006. He stated that the parties involved agreed to the continuance.

The Council concurred to continue the item and the public hearing to the meeting of October 3, 2006.

Disposition: Continued to October 3, 2006.

16. CONSIDERATION OF THE ADOPTION OF A NOISE ORDINANCE

Recommendation: That the City Council:
1. Approve and give first reading to the draft ordinance; and
2. Waive further reading of the ordinance and order it to print.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. City Attorney Julia Lew clarified that there were two ways in which the City could bring an action – by City personnel witnessing the violation, or via an individual witnessing the action who would then be willing to declare it for the purposes of bringing a complaint. She spoke of the evidentiary issues with that scenario. Mr. Dunlap added that staff requested that the draft ordinance for Council’s consideration be modified to strike the second sentence under “Prosecution,” Section 18-91, and replace it with “The City may refrain from issuing a compliant in the event the cause of violation is removed, the condition abated or fully corrected with the five-day period.”

The public hearing opened at 7:46 p.m.

• Dick Eckhoff, 197 North Main Street, came forward and referenced his comments previously provided to the Council in writing with regard to the item. He stated that while he was in favor of an enforced sound ordinance, he voiced concerns with the Noise Ordinance under consideration. He cited the proposed exceptions with regard to construction, lawn mowers and blowers, and questioned whether there would be limits to the noise created by those sources. He then spoke of noise emanating from vehicles and questioned whether that would be covered under the proposed ordinance.

• Joe Guerrero, 332 South F Street, spoke against the proposed ordinance, suggesting it impeded citizens’ constitutional rights. He then questioned whether motorcycles and small vehicles were exempt, and requested that the ordinance further clarify exactly what “noise” was. He then stated that the draft ordinance was too vague.

• Ron Irish, 768 North Prospect, commented that while Harley Davidson motorcycles were sometimes loud, they did not equate to some of the vulgar language emanating at high volumes from some vehicles. He stated that he believed that if there was a mechanism to eliminate the volume of such lyrics, it was a step in the right direction.

The public hearing closed at 7:54 p.m.

The Council clarified with Interim Police Chief McMillan that as long as a vehicle was on a road way, vehicle code violations pertaining to noise were covered under the Vehicle Code. Staff indicated
that exhaust systems were also covered under that Code. At Mayor Hamilton’s request, Ms. Lew then addressed the various concerns raised by Mr. Eckhoff. Ms. Lew stated that clarifying language could be added to the end of the exemption dealing with Parks. Ms. Lew then stated that with regard to Section 18-14, while there were no limits identified in the proposed ordinance, limits would be included as conditions of the applicable permit. It was also clarified that with regard to construction noise, noise mitigation factors were generally included in the environmental document, and was also addressed in the City’s Municipal Code.

Council Member McCracken commented that the proposed ordinance was confusing and stated that he believed it needed more work. He suggested that the Council schedule a study session to include the use of a sound generator to ensure that all the members understood exactly what sound decibels were being considered as unacceptable. A discussion ensued during which Ms. Lew clarified that the proposed ordinance was not intended to regulate specific content, other than what was permitted under the Constitution. She added that derogatory words alone were not enough to be “offensive,” but rather the words must be offensive to the point where they might incite a reasonable person to violence.

Noting the importance of the issue, Mayor Hamilton commented that he did not have a problem scheduling a study session to further analyze the proposed ordinance.

Council Member Martinez voiced displeasure with having to even consider such an ordinance. He suggested that the issue dealt with learning to respect one’s neighbors and stated that he would prefer to approach the matter with a nuisance ordinance rather than a noise ordinance. He stated that individuals needed to learn how to get along and should be encouraged to do so by the actions of others. He then clarified with staff different scenarios that would constitute disturbing the peace, during which the City Attorney pointed out that the action must be malicious.

Ms. Lew clarified for everyone’s edification that the proposed ordinance before the Council was a modification of something that was reviewed in the past, yet not adopted, and that the proposed ordinance would add a substantial amount of regulations that were not currently on the books. In response to a question from the Council, Ms. Lew indicated that she believed the proposed ordinance would help address some of the concerns of the Council, yet cautioned that the regulations might be very difficult to enforce. She stated that it would, however, provide an extra tool for the Police Department, and that the Council would have another opportunity to make any necessary adjustments through the comprehensive General Plan Update. Community Development Director Brad Dunlap elaborated on sound levels and stated that the proposed ordinance would provide a standard and be a very useful tool.

Council Member Pedro Martinez commented that he was not looking to pass any ordinance at that time and stated that he believed the tools were already in place. He spoke against over regulating.

Mayor Hamilton spoke in favor of the proposed ordinance and stated that he believed the people of Porterville had a right to public safety and health, and that extra noise was a health problem. He commented that the issue was more than a disturbing the peace issue, adding that he would support continuing the discussion to a study session, but hoped the Council would seriously entertain passing the ordinance.

Council Member McCracken moved that the Council continue the Item until the next regular Council Meeting. After some discussion, Council Member McCracken withdrew his motion.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council deny the proposed Noise Ordinance.

M.O. 09-091906

AYES: McCracken, P. Martinez
NOES: F. Martinez, Hamilton
ABSTAIN: None
ABSENT: None

Mayor Pro Tem Felipe Martinez moved that the Council direct staff to schedule a study session to further discuss the noise ordinance. Council Member McCracken seconded the motion. A discussion ensued as to when and where the adjourned meeting should take place. City Manager John Longley clarified that he would have Carol schedule the meeting. Mr. Dunlap suggested that the Council wait until the noise readings recently taken for the Noise Element of the General Plan were available. He stated that examples of decibel ratings could then be made available to the Council.

Mayor Pro Tem Felipe Martinez amended his motion to direct staff to schedule the study session after the readings were available from the General Plan Update Noise Element.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Mayor Hamilton that the Council direct staff to schedule the study session after readings are available from General Plan Update Noise Element.

M.O. 10-091906

AYES: McCracken, F. Martinez, Hamilton
NOES: P. Martinez
ABSTAIN: None
ABSENT: None

Disposition: Direction given to Staff.

17. CONSIDER ADOPTION OF AUDIT COMMITTEE ORDINANCE

Recommendation: That the City Council:

1. Open the public hearing, take public comments concerns and questions; and
2. Approve the draft ordinance approving the formation of a City Audit Committee, waive further reading, and order the Ordinance to print.

City Manager John Longley presented the item and the staff report.

The public hearing opened at 8:24 p.m. and closed at 8:25 p.m. when nobody came forward.

Council Member McCracken clarified with staff that in the event the proposed ordinance was approved that evening, it could be changed or eliminated by a future Council via an ordinance. He then questioned why an ordinance was necessary to appoint an audit committee. City Attorney Julia Lew clarified that the committee could be established by resolution or by policy, however due to the nature of the committee’s responsibilities, she thought that an ordinance was the most appropriate means.
Mayor Hamilton suggested that due to public perception, perhaps a citizen’s oversight committee would be more appropriate. A discussion ensued as to other means of establishing some type of an oversight committee. City Manager John Longley spoke of how the item came to fruition and elaborated on staff’s reasoning for establishing the committee via ordinance. He then stated that the staff report should have included options for Council’s consideration, such as to either establish the committee via ordinance, via resolution, or not at all. Mr. Longley then recommended that the committee be established, stating that, if nothing else, it provided a better way to manage the City’s independent auditor.

Mayor Pro Tem Felipe Martinez moved that the Council approve the establishment of a committee comprised of a Council Member, a member of the public, and the staff members as proposed in the staff report. Council Member Pedro Martinez seconded the motion.

Council Member McCracken voiced reservations about limiting the Council representative to only the Mayor and another member, suggesting that at various times other Council Members might have more financial expertise than the seated Mayor. He then spoke against involving a member of the public. Mayor Pro Tem Felipe Martinez clarified that his motion pertained to a Council Member and did not specify the Mayor.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the draft ordinance approving the formation of a City Audit Committee, as amended to strike “Mayor” and replace with “a member of the public,” waive further reading, and order the ordinance, as amended, to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER II, ARTICLE IX, INTERNAL CITY AUDITS, OF THE CODE OF THE CITY OF PORTERVILLE.

AYES: P. Martinez, F. Martinez, Hamilton
NOES: McCracken
ABSTAIN: None
ABSENT: None

The City Manager read the Ordinance by title only.

Disposition: Approved, as amended.

18. WATER CONSERVATION PHASE II, WATER SYSTEM STATUS

Recommendation: That the City Council:
1. Return to Phase I of the Water Conservation Plan; and
2. Continue Phase I water conservation efforts.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 8:33 p.m. and closed at 8:34 p.m. when nobody came forward.
Council Member Pedro Martinez applauded the citizens for their water conservation efforts and suggested that the City could do better in its conservation efforts.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the return to Phase I of the Water Conservation Plan and continue Phase I water conservation efforts. The motion carried unanimously.

**Disposition:** Approved.

Mayor Hamilton acknowledged Interim Police Chief McMillan and Sergeant Duane Griffin for their participation in “Shave The Brave.” It was stated that 14 officers, along with one officer’s son, participated in the event to benefit the Make a Wish Foundation and that the Porterville Police Department had raised approximately $7,200 thus far.

The Council recessed for ten minutes.

**SCHEDULED MATTERS**

19. **CHIEF OF POLICE RECRUITMENT**

Recommendation: That the City Council:

1. Authorize the City Manager to retain the executive search firm of Peckham & McKenney for a fee of $24,000 to recruit a Chief of Police; and
2. Authorize the City Manager to execute any and all necessary documents related to the recruitment process.

City Manager John Longley presented the item and the staff report.

Council Member McCracken clarified with staff that the “carry-over” account consisted of an account that was allocated between different departments. A discussion ensued as to the process involved in the recruitment and the likely time frame. It was stated that the process should be completed by year end.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the City Manager to retain the executive search firm of Peckham and McKenney for a fee of $24,000 to recruit a Chief of Police; and authorize the City Manager to execute any and all necessary documents related to the recruitment process. The motion carried unanimously.

**Disposition:** Approved.

20. **REQUEST FOR ONE (1) TEMPORARY MODULAR STRUCTURE TO BE UTILIZED AS A SALES OFFICE**
Recommendation: That the City Council adopt the draft resolution and conditions of approval for the temporary modular structure for a period of time expiring on March 19, 2007.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

Mayor Hamilton questioned the need to bring the item to the Council, and suggested that Mr. Dunlap should have the ability to grant approval. Mr. Dunlap indicated that Council approval of such items was required by a previous Council. Mayor Hamilton requested that the Council reconsider such direction.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution and Resolution 127-2006 conditions of approval for the temporary modular structure for a period of time expiring on March 19, 2007.

Disposition: Approved.

21. ONLINE PAYMENTS FOR UTILITY BILLS

Recommendation: That the City Council:

1. Authorize the utilization of the Incode service feature that allows customers to identify a bank or credit card account for automatic charge of utility payments;
2. Authorize staff to pursue the charge of a nominal fee of $1.00 per transaction, and schedule the matter for a public hearing; and
3. Direct staff to again review the online payment option during budget development for FY 2007-2008.

City Manager John Longley presented the item, and Acting Chief Financial Officer Maria Bemis presented the staff report.

Council Member McCracken spoke of the standard practice of online banking services to send one check per month to each service provider, and suggested that staff might look into that. Ms. Bemis clarified that the City was already utilizing that service and noted the delay in payment with that method. A discussion ensued as to the impetus of the item, during which Mr. Longley indicated that many individuals in the community had inquired about the service over the course of the past six or seven months.

Mayor Pro Tem Felipe Martinez suggested that the subject be reviewed further over the next six months and gauge how many individuals would actually be interested in the service prior to taking any action. He suggested that rather than conducting a poll through the utility billing, a tally be kept by staff to track any inquiries into the service.

In response to a question posed by Council Member McCracken, a discussion ensued as to other methods available to those individuals who wished to pay online. Council Member McCracken requested that other options be provided to the Council for consideration.
The Council concurred that the item should be continued for six months so as to provide staff time to conduct further research, including other options. Staff was also directed to keep a tally of all inquiries into the service to gauge public interest.

Disposition:  Continued.

22. COMPARISON OF THE ARTIFICIAL TURF TO REAL TURF MAINTENANCE

Recommendation:  That the City Council consider and accept the cost comparison between artificial turf and real turf maintenance.

City Manager John Longley presented the item, and Jim Perrine, Parks & Leisure Services Director, presented the staff report.

Council Member McCracken commented that the artificial turf might solve the problem with sprinklers in the medians on Olive Avenue and questioned whether staff had estimates as to possible costs for installing the turf in the medians. Mr. Perrine indicated that general costs estimates came to approximately $36,000 to convert the median islands from E Street to Kessing Street, which would result in an estimated cost savings of approximately $1,200 per year.

Disposition:  No action requested.

23. PROCEDURE TO ACCOMMODATE LARGER EXPENDITURES WHEN REQUIRED BY PUBLIC PEACE, HEALTH OR SAFETY

Recommendation:  That the City Council adopt the draft ordinance, waive further reading, and order the ordinance to print.

City Manager John Longley presented the item and the staff report.

Council Member Pedro Martinez moved that the Council adopt the draft ordinance, waive further reading, and order the ordinance to print.

Mayor Pro Tem Felipe Martinez seconded the motion.

Council Member McCracken moved to amend the amount of the appropriation/expenditure to $50,000 instead of $100,000. The motion died for lack of a second.

COUNCIL ACTION:  MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft ordinance, waive further reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 2-38 TO CHAPTER II, ARTICLE VII OF THE PORTERVILLE MUNICIPAL CODE (“EXPENDITURES, INDEBTEDNESS, AND RE VOL V I N G C A S H F U N D ”) CONCERNING APPROPRIATIONS/EXPENDITURES IN CASES WHERE THERE IS AN
IMMEDIATE NEED TO PRESERVE THE PUBLIC PEACE, HEALTH OR SAFETY.

AYES:      P. Martinez, F. Martinez, Hamilton
NOES:      McCracken
ABSTAIN:   None
ABSENT:    None

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

24. DEBARMENT PROCEDURES – CITY CONTRACTORS

Recommendation: That the City Council consider the proposed regulations, adopt the draft ordinance, give first reading, and order the ordinance to print.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

In response to questions posed by the Council, Ms. Lew elaborated on the process for debarment and appeals.

COUNCIL ACTION: Moved by Mayor Pro Tem Felipe Martinez, Seconded by Council Member Pedro Martinez that the Council adopt the draft ordinance, give first reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE XIII, SECTIONS 2-114 THROUGH 2-138 TO CHAPTER II OF THE PORTERVILLE MUNICIPAL CODE CONCERNING DEBARMENT. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

25. AGGRESSIVE SOLICITATION ORDINANCE

Recommendation: That the City Council consider the proposed regulations, adopt the draft ordinance, give first reading, and order the ordinance to print.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report. Ms. Lew stated that “Concerning Debarment” in the last sentence of the recommendation included in the staff report was a typographical error and should be stricken.

COUNCIL ACTION: Moved by Council Member Pedro Martinez, Seconded by Mayor Pro Tem Felipe Martinez that the Council adopt the draft ordinance, give first reading, and order the ordinance to print, being AN ORDINANCE OF THE
Ordinance 1706  CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING SECTION 18-1 OF CHAPTER 18, ARTICLE I OF THE PORTERVILLE MUNICIPAL CODE, AND ADDING ARTICLE IV, SECTIONS 18-50 THROUGH 18-54 CONCERNING AGGRESSIVE SOLICITATION. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

26. UPDATE – DEVELOPMENT OF LOCAL REGULATIONS CONCERNING SEX OFFENDERS

Recommendation: That the City Council review the draft sample regulations and provide any additional input and direction.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

Mayor Hamilton commented that if nothing else, such action would bring attention to the State Legislators in Sacramento that something needed to be done.

Council Member Pedro Martinez agreed with Mayor Hamilton’s comments, and spoke of limiting the time that sexual offenders could occupy a hotel room, noting that many needy families often occupied local hotels. He requested that such limitations be looked at in the future, along with restricting the ability of sexual offenders to frequent parks and bus pick up locations utilized by children. He then thanked the Porterville Recorder for covering the subject and educating the citizens.

Disposition: Informational report only.

27. COUNCIL AD HOC COMMITTEE REPORT ON STATUS OF CITY COUNCIL MEMBER APPOINTMENT

Recommendation: That the City Council set an adjourned meeting for the review of candidates and the selection of a City Council appointee.

City Manager John Longley presented the item.

Mayor Hamilton commented that while he had not been present for the discussion, he understood that an ad hoc committee comprised of Mayor Pro Tem Felipe Martinez and himself was appointed at the last Council Meeting. He stated that interested individuals were to have submitted their letters of interest and resumes by 5:00 p.m. on September 18. He stated that he and Mr. Martinez met and reviewed the applications and have returned with two prospective appointees. Upon clarifying with Ms. Lew that the identities of the two finalists could be revealed that evening, Mayor Hamilton indicated that Ms. Edith LaVonne and Mr. Eddie Hernandez had been chosen by the ad hoc committee for further consideration by the entire Council. Mayor Hamilton then thanked all of the individuals who had submitted letters of interest and spoke of the difficult decision the ad hoc committee had before them.
A discussion ensued as to when the item should return to the Council for consideration. Ms. Lew clarified that the Adjourned Meeting set for Saturday, September 23rd could not be considered, as it was an informational meeting. After several suggested dates were disqualified due to calendaring conflicts, it was suggested that staff be directed to schedule the meeting for an appropriate date. The Council concurred that Ms. Bodine should contact the Council to schedule the meeting.

Disposition: Report provided by ad hoc committee; staff directed to schedule Adjourned Meeting for the appointment of a new Council Member.

28. REQUEST BY COUNCIL MEMBER–CONSIDERATION OF POP WARNER FIELD USE WITHOUT FEE CHARGES

Recommendation: None

City Manager John Longley presented the item. At Mr. Longley’s request, Parks & Leisure Services Director Jim Perrine came forward and elaborated on the issue of fees for Pop Warner Field use, lighting, and staff time at the Municipal Ball Park. He indicated that in the recent past, it appeared that use charges had not been applied to users, while lighting charges had been applied. He stated that with the recent adoption of the new fee schedule, charges were now due. He stated that user organizations had indicated that they were not used to paying the use fees.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council direct staff to not collect fees for field use at Pop Warner Fields. The motion carried unanimously.

Disposition: Approved.

29. REQUEST BY COUNCIL MEMBER–DISCUSSION OF CITY COUNCIL MEMBER PICNIC FOR CITY EMPLOYEES

Recommendation: None

City Manager John Longley presented the item.

Mayor Pro Tem Felipe Martinez indicated that he had requested that the item be placed on the Agenda. He commented that he would like the Council to consider holding a picnic for City staff to show the Council’s appreciation of their hard work. A discussion ensued as to potential costs for the picnic, during which Mr. Longley estimated that in the past, a rough figure was approximately $15 per person, with approximately 50 to 60 individuals attending.

The timing of the event was discussed next, during which the Council concurred that an Employee picnic be scheduled for next Spring.

Disposition: Direction given to staff.

Adjourn to a Meeting of the Porterville Public Improvement Corporation
PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Roll Call: Director McCracken, Director Pedro Martinez, Vice-President Felipe Martinez, President Hamilton (Note: one seat vacant)

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PIC-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Recommendation: That the City Council, sitting as the Porterville Public Improvement Corporation:
1. Approve the election of officers as indicated in the draft resolution;
2. Accept public comments; and
3. Approve the 2006 Status Report for Certificates of Participation Projects.

City Manager/Secretary John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

President Hamilton invited commentary from the audience. When nobody came forward, he turned the discussion over to the Corporation.

CORPORATION ACTION: MOVED by Director Pedro Martinez, SECONDED by President Hamilton that the Porterville Public Improvement Corporation
PIC 2006-01 approve the draft resolution and the 2006 Status Report for Certificates of Participation Projects. The motion carried unanimously.

Disposition: Approved.

Adjourn to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
• Glen Faison, came forward on behalf of “Paint the Town” and requested that the City consider changing its “Clean-Up Day” set for October 21st to coincide with the Paint the Town event on October 28th. City Manager John Longley requested that staff and the Paint the Town Committee meet to discuss the matter. Mr. Longley confirmed that the Council would be kept apprised.
• Dick Eckhoff, 197 N. Main Street, spoke of Item No. 21 and voiced concern with the accuracy of a poll that only included comments made by utility customers that paid in person at City Hall, suggesting that the majority of customers who would likely utilize an online service mailed in their payments. Mr. Eckhoff then noted the need for a noise
ordinance as was discussed in Item No. 16, yet voiced concerned with the proposed language.

- Greg Shelton, 888 North Williford Drive, voiced concern with the proposed noise ordinance, suggesting that it could be manipulated for purposes of harassment.

**OTHER MATTERS**

- Mayor Hamilton congratulated Mayor Pro Tem Felipe Martinez on the awards he recently received.
- Council Member Pedro Martinez noted the recent September 11th anniversary and thanked the fire and police personnel for their dedicated service. He requested that the City Manager convey to the Fire Department and the Police Department the appreciation of the Council for their service.
- Council Member Felipe Martinez spoke of the “Paint the Town/Clean Up America” effort and commented on the benefits of such an activity, noting the need to create a community that was respectful and had pride of ownership.
- Mayor Hamilton noted that Senior Planner Julie Boyle’s last day at the City would be Friday, September 22nd, and thanked her for her hard work.

**ADJOURNMENT**

The Council adjourned at 9:59 p.m. - to the meeting of September 23, 2006, 9:00 a.m., Board Room of Sierra View District Hospital*

*Porterville City Charter Sec. 10 states—“Except for special meetings with the legislative bodies of other political subdivisions, or informational meetings held within the community where no action is to be taken, all meetings of the council shall be held in the city hall, unless by reason of fire, flood, or other disaster, or lack of seating capacity, the city hall cannot be used for that purpose, and all meetings shall be open to the public.

__ATTEST:__

Patrice Hildreth, Deputy City Clerk

Cameron Hamilton, Mayor
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
OCTOBER 3, 2006, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1 - Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.
   2 - Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Porterville Citizens for Responsible Hillside Development v. City of Porterville.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that the following action had been taken:

1- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.
The Council voted to initiate legal abatement proceedings concerning one commercial property and two residential properties.

2- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Porterville Citizens for Responsible Hillside Development v. City of Porterville.
The Council decided to refrain from seeking appellate review concerning Porterville Citizens for Responsible Hillside Development v. City of Porterville.

Pledge of Allegiance Led by Cub Scout Pack 116, Bear Den 1
Invocation - one individual participated.

PROCLAMATIONS
“Shave the Brave Recognition”
“Domestic Violence Awareness Month” - October 2006
“A Day of Cease Fire” - October 7, 2006
PRESENTATION
Employee of the Month - Dave Cornwall

ORAL COMMUNICATIONS

• Glade Roper, Tulare County Superior Court Judge, came forward in support of Item 18. He spoke of the history of the Porterville Courthouse, of the need for its expansion, and encouraged all citizens to support the effort. Judge Roper then invited everyone to attend the upcoming Drug Court Graduation to be held on October 12th at the Visalia Convention Center with special guest Joe Walsh. He spoke of the importance of the program and of a recent study which found Drug Courts saved jurisdictions approximately $14,000 per participant.

• Greg Woodard, 1055 W. Morton Avenue, came forward as Chairman of the Economic Development Committee and Chairman-Elect of the Porterville Chamber of Commerce. He voiced vigorous support for the expansion of the Porterville Courthouse and offered assistance in the effort if needed.

• Boyd Leavitt, 457 East Oak, spoke regarding an item concerning online utility billing from a previous agenda. He spoke against charging $.50 for the service - which was one of the options presented in the staff report - and suggested that the service would instead save the City money. He then voiced concern with the proposed method for polling utility users.

• Donnette Silva Carter, President and CEO of the Porterville Chamber of Commerce, invited everyone to attend the 2nd Annual Community Festival set for October 14, 2006 from 10:00 a.m. to 3:00 p.m. at Centennial Park and along portions of Main Street. Ms. Silva Carter then noted that the new Council Member was a Leadership Porterville Alumna and spoke of the importance of the Leadership program. She informed everyone that applications were currently being accepted for the 2007 Class.

• Dick Eckhoff, Downtown Porterville Association, 197 North Main Street, spoke of the Car Show held the previous weekend and of its success. He then agreed with Judge Roper’s comments as to the importance of the Drug Court program and encouraged all to attend the graduation ceremony.

CONSENT CALENDAR

Items 1, 2, 3, 6, 7 and 14 were removed for further discussion.

4. ACCEPTANCE OF PROJECT - TRAFFIC SIGNAL NO. 8 (PLANO STREET AND MULBERRY AVENUE - SAFE ROUTES TO SCHOOL GRANT)

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 01-100306
Disposition: Approved.
5. ACCEPTANCE OF IMPROVEMENTS - SUNRISE VILLA, PHASE ONE SUBDIVISION (TOM O’SULLIVAN - OZ SERVICES)

Recommendation: That the City Council:
1. Accept the public improvements of Sunrise Villa, Phase One Subdivision for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 02-100306
Disposition: Approved.

8. ACCEPTANCE OF FINAL SUBDIVISION MAP - BEVERLY GLENN SUBDIVISION (MOHAMMAD DAVARIFAR)

Recommendation: That the City Council:
1. Approve the final map of Beverly Glenn Subdivision;
2. Accept all offers of dedication shown on the Final Map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 03-100306
Disposition: Approved.

9. MODIFICATION OF RESOLUTION APPROVING ANNEXATION OF LANDS FOR EFFLUENT IRRIGATION AND BIOSOLIDS DISPOSAL

Recommendation: That the City Council adopt the draft resolution as presented.

Documentation: Resolution 128-2006
Disposition: Approved.

10. REQUEST FOR AUTHORIZATION TO USE CITY PROPERTY

Recommendation: That the City Council:
1. Approve use of Drainage Reservoir No. 23 by Burton School District as a cross country training facility, with the following conditions:
   a. That the use is limited to the 2006/2007 school year, any future requests must be submitted in writing;
   b. That Burton School District must install entry gate and double lock as stated in letter of request;
   c. That a school staff member must be present when in use; and
   d. That the use is restricted to between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, and on weekends by special permission.
11. AUTHORIZATION TO DEVELOP AND ENTER INTO AN OFFSITE IMPROVEMENTS DESIGN AGREEMENT

Recommendation: That the City Council:
1. Direct staff to develop a Design Service Agreement between the City and Ennis Corporation compliant with the Riverwalk Traffic Study recommendations;
2. Direct the City Attorney to review, modify and/or change the agreement to satisfy all legal requirements;
3. Direct staff to submit said agreement to Ennis Corporation for their review and concurrence; and
4. Direct the Mayor to execute the Design Service Agreement.

Documentation: M.O. 05-100306
Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT - CITY OF PORTERVILLE - PORTERVILLE COMMUNITY FESTIVAL

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the City of Porterville, subject to the restrictions and requirements contained in therein.

Documentation: M.O. 06-100306
Disposition: Approved.

13. APPROVAL FOR COMMUNITY CIVIC EVENT - VETERANS’ HOMECOMING COMMITTEE, VETERANS’ DAY PARADE - NOVEMBER 11, 2006

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the City of Porterville, subject to the restrictions and requirements contained in therein.

Documentation: M.O. 07-100306
Disposition: Approved.

15. YOUTH GROUP FIELD RENTAL FEES

Recommendation: That the City Council adopt the Resolution approving an adjustment to Youth Group Field Rental Fees.

Documentation: Resolution 129-2006
Disposition: Approved.
16. INSTALLATION OF A CENTRAL VALLEY SPATIAL REFERENCE NETWORK
   BY CALTRANS

Recommendation: That the City Council:
1. Approve the Revocable Permit and Land Use Agreement for the
   installation of transmission equipment at the existing GPS station; and
2. Authorize the Mayor to sign the Agreement.

Documentation: M.O. 08-100306
Disposition: Approved.

17. STATE HOMELAND SECURITY GRANT

Recommendation: That the City Council:
1. Authorize staff to purchase the equipment under the negotiated bid
   process; and
2. Authorize staff to do a budget adjustment in the amount of $11,690 to the
   Fire Department’s operating budget.

Documentation: M.O. 09-100306
Disposition: Approved.

18. SOUTH COUNTY JUSTICE CENTER RESOLUTION

Recommendation: That the City Council approve the draft resolution in support of the development of the South County Justice Center.

Documentation: Resolution 130-2006
Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council approve Item Nos. 4, 5, 8 through 13, and 15 through 18. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF AUGUST 15, 2006 AND AUGUST 29, 2006

Recommendation: That the City Council approve the City Council Minutes of August 15, 2006 and August 29, 2006.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council approve the City Council Minutes of M.O. 10-100306 August 15, 2006 and August 19, 2006.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: Hernandez
ABSENT: None
2. **BUDGET ADJUSTMENT**

Recommendation: That the City Council:
1. Authorize staff to accept the donation; and
2. Authorize a budget adjustment to the Fire Department in the amount of $966.35.

Council Member Pedro Martinez conveyed his condolences to the Cox family and thanked them for their donation.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize staff to accept the donation; and authorize a budget adjustment to the Fire Department in the amount of $966.35. The motion carried unanimously.

Disposition: Approved.

3. **AWARD CONTRACT - SPRAYED POLYURETHANE ROOFING SYSTEMS**

Recommendation: That the City Council:
1. Award the contract for sprayed polyurethane foam roofing systems project to Universal Coatings, Inc., of Fresno, CA, in the amount of $127,832; and authorize progress payments up to 90% of the contract amount; and
2. Authorize a 10% contingency to cover unforeseen costs.

In response to questions posed by the Council, staff elaborated on the warranty of the proposed roofing system, during which a discussion ensued as to its color. After some discussion, the Council suggested that a lighter color might be best.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council award the contract for sprayed polyurethane foam roofing systems project to Universal Coatings, Inc., of Fresno, CA, in the amount of $127,832; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen costs. The motion carried unanimously.

Disposition: Approved.

6. **ACCEPTANCE OF IMPROVEMENTS - WESTWOOD VILLAGE MOBILE HOME COMMUNITY, UNIT THREE (DAN DANIEL - DANIEL PROPERTIES)**

Recommendation: That the City Council:
1. Accept the sewer and water main improvements at Westwood Village Mobile Home Community, Unit Three for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantees thirty-five (35) days after recordation, provided no liens have been filed.

Council Member Pedro Martinez stated that he had requested that Item Nos. 6 and 7 were removed for the same reason and would like to address them concurrently. He questioned the disparity in lighting between the subject development and that of Williams Ranch, as shown in Item No. 7. Staff elaborated on the standards to which the City adhered, and of the different agencies involved in both projects. It was noted that since Westwood Village was a mobile home community, the State mandated different standards and that the City played no role.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the sewer and water main improvements at Westwood Village Mobile Home Community, Unit Three for maintenance; authorize the filing of the Notice of Completion; and release the payment guarantees thirty-five (35) days after recordation, provided no liens have been filed. The motion carried unanimously.

Disposition: Approved.

7. ACCEPTANCE OF FINAL SUBDIVISION MAP - WILLIAMS RANCH, PHASE FOUR (BRIAN ENNIS)

Recommendation: That the City Council:
1. Approve the final map of Williams Ranch, Phase Four Subdivision;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the final map of Williams Ranch, Phase Four Subdivision; accept all offers of dedication shown on the final map; and authorize the City Clerk to file said map with the County Recorder. The motion carried unanimously.

Disposition: Approved.

14. SKATEPARK RULES AND SKATEBOARD REGULATIONS

Recommendation: No Council action is requested at this time. The matter of Skatepark rules will be scheduled for a subsequent City Council Meeting, upon completion of Parks & Leisure Services Commission consideration.

In response to questions posed by Council Member Pedro Martinez, staff updated the Council on staff’s efforts to have the contractor repair the fence surrounding the project.

Mayor Hamilton commented that the skaters were already breaking the rules, and that if the behavior continued, the Park would not be there very long. He voiced his displeasure with somebody cutting the fence. A discussion ensued as to Skatepark Rules, during which Council Member Pedro Martinez suggested that if a string of offenses occurred, the consequence could be closure of the Park.
Parks & Leisure Services Director Jim Perrine informed the Council that the Skateboard Rules would be before the Commission that Thursday. A discussion ensued as to the timing of approval of the rules, during which City Attorney Julia Lew clarified that the Parks & Leisure Services Commission had the power to enact rules for the operation of the Park. She stated that there would be an ordinance that formally codified some of the necessary State law, but that it need not impede the opening of the Park.

Council Member Hernandez spoke of the Skatepark Project’s long duration and noted that Porterville youth had been waiting for its completion. He suggested that a forum with the skaters might be useful so as to ensure that the users of the Park understood the consequences of breaking the rules. He spoke in favor of encouraging buy-in from the users and having them police themselves. A discussion ensued, during which Ms. Lew indicated that other cities had found themselves in similar situations, and that temporary closure of their Skateparks after repeated violations seemed to be effective.

Council Member McCracken suggested that the Council might be premature in its concerns, noting that the fence cutting incident pertained to the construction fence and might be isolated. A discussion ensued as to the need for and enforcement of rules.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council direct the Parks & Leisure Services Commission establish Skatepark Rules and post said Rules at the Skatepark prior to its opening. The motion carried unanimously.

Disposition: Direction given to staff.

PUBLIC HEARINGS

19. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Ennis Estates Tentative Subdivision Map; and
2. Adopt the draft resolution approving Ennis Estates Tentative Subdivision Map, subject to the conditions of approval.

City Manager John Longley presented the item, and advised that the applicant had requested a continuance of the Item. At the invitation of Mayor Hamilton, a representative of the applicant came forward to address the Council.

The public hearing re-opened at 8:04 p.m.

- Brian Ennis, representing applicant Ennis Land Development and Mr. Ben Ennis, came forward. He updated the Council on a series of meetings that had occurred in an effort to find a mutually desirable resolution of the issue between Ennis, Burton School District and the Lombardi Family. He advised the Council that an alternative solution was being considered and that the three parties were confident that the matter could be resolved. Mr. Ennis requested that the public hearing be continued to October 17, 2006, without waiving any of the rights that were in effect as of September 5th and reserving the right to continue to proceed forward with the project.
Mayor Pro Tem Felipe Martinez applauded the joint effort of the involved parties to work together to find a mutually agreeable solution.

The public hearing was continued to the Council Meeting of October 17, 2006.

Disposition: Continued to October 17, 2006.

20. CONSTRUCTION OF CONCRETE IMPROVEMENTS ON INDIANA STREET PROJECT

Recommendation: That the City Council:
1. Take public comments, concerns and questions;
2. Authorize staff to start the construction of the stated concrete improvements for the Indiana Street Project; and
3. Authorize staff to schedule a Public Hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 8:10 p.m. and closed at 8:11 p.m. when nobody came forward.

In response to a concern raised by Mayor Hamilton with regard to concrete work being commenced prior to the public hearing, staff indicated that the concrete work to which the Mayor referred actually pertained to installing returns. It was explained that the City’s policy was to not charge property owners for the installation of returns and handicap ramps, and thus the work had commenced. Staff then elaborated on the plans for the westerly corner of Indiana Street and Olive Avenue.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council authorize staff to start the construction of the concrete improvements for the stated project; and to schedule a public hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project. The motion carried unanimously.

Disposition: Approved.

SECOND READINGS
21. ORDINANCE 1703, AUDIT COMMITTEE ORDINANCE

Recommendation: That the City Council give Second Reading to Ordinance 1703, waive further reading, and adopt said Ordinance.

City Manager John Longley presented the item and the staff report.
COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the Council give Second Reading to Ordinance 1703, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER II, ARTICLE IX, INTERNAL CITY AUDITS, OF THE CODE OF THE CITY OF PORTERVILLE. The motion carried unanimously.

The City Manager read the Ordinance by title only.

Disposition: Approved.

22. ORDINANCE 1704, PROCEDURE TO ACCOMMODATE LARGER EXPENDITURES WHEN REQUIRED BY PUBLIC PEACE, HEALTH OR SAFETY

Recommendation: That the City Council give Second Reading to Ordinance 1704, waive further reading, and adopt said Ordinance.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Hamilton that the Council give Second Reading to Ordinance 1704, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 2-38 TO CHAPTER II, ARTICLE VII OF THE PORTERVILLE MUNICIPAL CODE (“EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND”) CONCERNING APPROPRIATIONS/EXPENDITURES IN CASES WHERE THERE IS AN IMMEDIATE NEED TO PRESERVE THE PUBLIC PEACE, HEALTH OR SAFETY.

AYES: P. Martinez, F. Martinez, Hernandez, Hamilton
NOES: McCracken
ABSTAIN: None
ABSENT: None

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

23. ORDINANCE 1705, DEBARMENT PROCEDURES – CITY CONTRACTORS

Recommendation: That the City Council give Second Reading to Ordinance 1705, waive further reading, and adopt said Ordinance.

City Manager John Longley presented the item and the staff report.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Hamilton that the Council give Second Reading to Ordinance 1705, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE XIII, SECTIONS 2-114 THROUGH 2-138 TO CHAPTER II OF THE PORTERVILLE MUNICIPAL CODE CONCERNING DEBARMENT. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

24. ORDINANCE 1706, AGGRESSIVE SOLICITATION ORDINANCE

Recommendation: That the City Council give Second Reading to Ordinance 1706, waive further reading, and adopt said Ordinance.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council give Second Reading to Ordinance 1706, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING SECTION 18-1 OF CHAPTER 18, ARTICLE I OF THE PORTERVILLE MUNICIPAL CODE, AND ADDING ARTICLE IV, SECTIONS 18-50 THROUGH 18-54 CONCERNING AGGRESSIVE SOLICITATION. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

25. STRIPING OF CITY STREETS

Recommendation: Informational report only.

City Manager John Longley presented the item, and Baldo Rodriguez, Public Works Director, presented the staff report.

Council Member McCracken spoke favorably of the street striping project.

Disposition: Informational item only.

26. BICYCLE LANE PROJECT UPDATE

Recommendation: That the City Council:
1. Authorize staff to seek a second time extension from San Joaquin Valley Air Pollution Control District ("SJVAPCD"); and
2. Reinitiate the bidding process, if successful in augmenting the time aspect of Agreement No. R-024 between the City of Porterville and SJVAPCD.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report, which he amended to also include Recommendation No. 3 - In the event the SJVAPCD rules that the City of Porterville is not entitled to a second time extension, that the Council direct the City Engineer to move forward immediately with the re-bidding of the Porterville Class II and III Bike Lane Project.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council authorize staff to seek a second time extension from San Joaquin Valley Air Pollution Control District ("SJVAPCD"); reinitiate the bidding process, if successful in augmenting the time aspect of Agreement No. R-024 between the City of Porterville and SJVAPCD; and in the event the SJVAPCD rules that the City of Porterville is not entitled to a second time extension, that the Council direct the City Engineer to move forward immediately with the re-bidding of the Porterville Class II and III Bike Lane Project. The motion carried unanimously.

Disposition: Approved.

27. PROPOSED COMBINATION OF “PAINT THE TOWN” AND CITY’S “FALL CLEAN UP DAY” EVENTS

Recommendation: That the City Council:
1. Authorize moving the “Fall Clean Up Day” from October 21, 2006 to October 28, 2006 to coincide with “Paint the Town,” “Household Hazardous Waste Disposal,” and “Make a Difference” Day Events; and
2. Authorize the City to receive the debris collected from the “Paint the Town” event.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

Council Member Hernandez voiced support for the clean-up efforts. In response to questions posed by the Council, staff elaborated on the events. A discussion ensued as to wayward shopping carts, during which Mr. Rodriguez informed the Council of the City’s program to collect and notify business owners of such shopping carts. Council Member Pedro Martinez requested that business owners be notified on October 28th of the location of the carts. City Manager John Longley confirmed that staff would take Mr. Martinez’s request as direction.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council authorize moving the “Fall Clean Up Day” from October 21, 2006 to October 28, 2006 to coincide with “Paint the
Town,” “Household Hazardous Waste Disposal,” and “Make a Difference” Day Events; and authorize the City to receive the debris collected from the “Paint the Town” event. The motion carried unanimously.

Disposition: Approved.

28. CITY COUNCIL GOAL SETTING

Recommendation: That the City Council proceed with work program goals by scheduling a City Council Study Session on Tuesday, November 14, 2006 to review current and proposed projects.

City Manager John Longley presented the item and the staff report.

Council Member Pedro Martinez spoke in favor of setting a goal setting study session during which the Council would review the projects. The Council concurred that a study session should be set for November 14, 2006.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the City Council proceed with work program goals by scheduling a City Council Study Session on Tuesday, November 14, 2006 to review current and proposed projects.

Disposition: Approved.

ORAL COMMUNICATIONS

• Greg Woodard, address on record, came forward as the Chairman of the Economic Development Committee and requested that the Council consider selecting a date other than November 14, 2006 for the Study Session discussed in Item 28. He pointed out that many Committee members would be in China at that time.

A discussion ensued as to other possible dates for the Study Session and the procedure involved in reconsidering the action taken by the Council on Item No. 28.

28. CITY COUNCIL GOAL SETTING

Recommendation: That the City Council proceed with work program goals by scheduling a City Council Study Session on Tuesday, November 14, 2006 to review current and proposed projects.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council reconsider Item No. 28. The motion carried unanimously.

After some discussion of potential alternative dates for the Study Session, it was decided to set the Study Session for a date to be determined.
COUNCIL ACTION:  MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council direct staff to schedule a Study Session, for a date to be determined, to review current and proposed projects. The motion carried unanimously.

Disposition:  Study Session set for a date to be determined.

OTHER MATTERS

• Council Member McCracken requested that an item concerning City Christmas trees be placed on an upcoming agenda. Mr. Longley indicated that an Item on the subject was already set for the next agenda.

• Mayor Pro Tem Felipe Martinez spoke favorably of the Fil-America event that he had attended, and noted the appreciation of Porterville’s diversity by various organizations who had recently visited the area, such as the US-Mexico Sister Cities Association.

• Council Member Hernandez informed everyone that his God daughter had been crowned at Homecoming; and spoke of the Porterville Area Coordinating Council’s event on September 30th. He commended Elva Beltran and the PACC for the work they did and their continuing efforts.

• Council Member Martinez thanked the Chamber of Commerce for its work on the Community Festival; and also the Downtown Porterville Association on its successful Car Show. He then spoke briefly of the Citizen Forum recently held at Porterville College that he and Council Member McCracken had attended, and invited all to attend the next Forum to be held on October 10th at the Heritage Center.

• Mayor Hamilton spoke favorably of the Fil-America event that he recently attended, and commended the Downtown Porterville Association on its successful Car Show.

• Council Member Hernandez voiced enthusiasm for his new position as a Council Member, thanked the Council for their confidence in him, and voiced an eagerness to work on important issues facing the City.

ADJOURNMENT

The Council adjourned at 8:41 p.m. to the meeting of October 17, 2006.

______________________________
Patrice Hildreth, Deputy City Clerk

ATTEST:

______________________________
Cameron Hamilton, Mayor
Call to Order at 7:00 p.m.

Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

Pledge of Allegiance Led by Council Member Eddie Hernandez
Invocation - Moment of Silence

ORAL COMMUNICATIONS
None

The Council adjourned to Closed Session at 7:03 p.m.

CLOSED SESSION

1. CLOSED SESSION PURSUANT TO GOVERNMENT CODE § 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY MANAGER

The Council reconvened at 10:44 p.m. Mayor Hamilton reported that no action had been taken and the item would be continued to November 7, 2006.

ADJOURNMENT
The City Council adjourned at 10:45 p.m. to the meeting of November 7, 2006.

Georgia Hawley, Chief Deputy City Clerk

Cameron Hamilton, Mayor
SUBJECT: BUDGET ADJUSTMENT

SOURCE: FIRE DEPARTMENT

COMMENT: The Wal-Mart Stores Inc. has awarded the City of Porterville Fire Department a $1,500 grant, which will be used to purchase fire prevention materials.

RECOMMENDATION: That the City Council:

1- Authorize staff to accept the grant funds.

2- Authorize a budget adjustment to the Fire Department in the amount of $1,500.

ATTACHMENTS: 1- None
SUBJECT: BUDGET ADJUSTMENTS FOR THE 2005-06 FISCAL YEAR END

SOURCE: Administration

COMMENT: During the course of the fiscal year, additional budget information becomes available that more accurately identifies revenue projections and project costs. Once known, budget modifications are necessary to complete projects and record revenues. To address budget adjustments in an orderly fashion, all adjustments will be presented as one agenda item for Council’s consideration.

There are three adjustments proposed for tonight’s Council meeting. All three are the result of the year end closing of the General Fund. The overall General Fund closed at $229,688 below Council authorized limits. Two departments, Police and Parks, exceeded their budget appropriations. Police exceeded their budget by $134,430, while Parks was over $138,768.94. As in past years, to achieve a balanced budget within departments, funds are borrowed from the Vehicle Replacement Fund or other General Fund departments until funds become available and are then repaid. Staff is requesting Council approve the repayment of these two amounts from the Police and Parks Departments’ carry-over accounts. These funds are currently available for unspecified projects in fiscal year 2007/2008. Both Police and Parks have sufficient funds in their carry-over accounts to repay the Equipment Replacement Fund and the Fire Department. This action will have no effect on this year’s budget.

Staff is currently auditing the budgets in question and have noticed some charges to the Parks Department which should have been charged to other departments. These minor issues will be identified and appropriate journal entries made at a later date.
The budget adjustments being proposed are:

1- Move $134,430 from the Police carry-over account 07/08 to the Police Equipment Replacement Fund.

2- Move $59,916 from the Parks carry-over account 07/08 to the Parks Equipment Replacement Fund.

3- Move $78,852.94 from the Parks carry-over account 07/08 to the Fire Department Equipment Replacement Fund #03-5021-01-2996 (Station and Grounds)

RECOMMENDATION: That the City Council:

1- Approve the budget modifications and authorize staff to modify revenue and expenditure estimates for each department as described above.

ATTACHMENT: None
SUBJECT: AWARD CONTRACT – 3M LIBRARY SYSTEMS

SOURCE: Administrative Services/Purchasing

COMMENT: In accordance with the City's Purchasing Policy and Procedure Manual, as amended by Resolution No. 35-93 adopted by Council on April 20, 1993, Staff hereby requests approval to enter into a cooperative purchasing agreement with 3M Library Systems to furnish and install a Radio Frequency Identification System (RFID), a self check out system and Tattle Tape Book Security System at the Porterville Public Library.

The City's growth over the past several years has necessitated that Staff propose an upgrade project that will allow for greater service flexibility and efficiency, reduce theft and be compatible with the library's current automated circulation system. Staff has been researching various technologies for several years and has determined that upgrading the current 3M Book Security System, which is approaching 20 years old, is the most cost-effective solution. The new system will allow for multiple items to be checked out simultaneously and enable patrons to check out their own materials if they choose, thereby freeing Library staff to spend more time assisting patrons and answering questions. Additionally, the RFID System will cut inventory time substantially, reduce theft and provide staff accurate material location information. Staff is recommending that we utilize a competitively bid contract between 3M and Maricopa County (Arizona) Library District. Since Maricopa County is one of the fastest growing counties in North America, its access to steep discounts by virtue of volume buying makes this affordable for our library. Cost of the system will not exceed $140,000. Funding is available in Capital Project No. 89.9477.88, which includes a donation of $25,000 from Friends of the Library.

RECOMMENDATION: That Council authorize Staff to enter into a contract with 3M Library Systems to upgrade the Library’s book security system at a cost not to exceed $140,000. Further, that Council authorize payment upon satisfactory completion of the project.
SUBJECT: AWARD CONTRACT – CARPET CITY FACILITIES

SOURCE: DEPARTMENT OF FINANCE/PURCHASING

COMMENT: Staff solicited bids for an annual contract for the provision and installation of carpet and rubber topset base in various City facilities. For purposes of evaluation and award, bidders were required to provide installed price for 6,200 square feet of floor space at the Porterville Public Library, the initial project contemplated under this contract. Three (3) timely, responsive bids were received as follows:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rainbow House of Carpets</td>
<td>$16,152.96</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>Franey Floor Coverings, Inc.</td>
<td>$18,031.00</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
<tr>
<td>Coulter’s Flooring America</td>
<td>$23,450.87</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
</tbody>
</table>

Bidders were advised that actual quantities would vary depending on available funding. In addition to pricing for the initial Library project, bidders were required to provide unit pricing on a square yard, installed, basis for Staff’s use in negotiating possible future carpeting projects at other City facilities. All bidders met the minimum specifications, including ten-year carpet and installation warranties. Terms included the option to extend the contract on an annual basis if Staff determines it would be in the best interest of the City to do so. Staff has reviewed the low bid and found it acceptable. Funds for the Library project are available from the Library’s Capital Project #89.9476.88.

RECOMMENDATION: That the City Council award an annual contract for carpeting various City facilities to Rainbow House of Carpets of Porterville, CA, and authorize payment upon satisfactory completion; further, that Council authorize annual contract renewals at the City’s option and upon mutually agreeable terms.

D.D. Appropriated/Funded /C.M. Item No. 5
SUBJECT: AWARD CONTRACT – DIGITAL LOGGERS, INC.

SOURCE: Administrative Services/Purchasing

COMMENT: In accordance with the City's Purchasing Policy and Procedure Manual, as amended by Resolution No. 35-93 adopted by Council on April 20, 1993, Staff hereby requests approval to enter into a cooperative purchasing agreement with Digital Loggers, Inc., to furnish and install a new 24-channel communications recording system at the Porterville Police Department.

Currently, the Police Department has a 16-channel system that has reached its expected lifespan and is scheduled for replacement. Additionally, it is experiencing some malfunctions, making the need to replace it critical. The system is maintained in the department’s Communications Center to record telephone calls on all 9-1-1 emergency, business lines, and all radio transmissions with Police, Fire, Public Works, Sheriff’s Department, CHP and all other emergency lines. It will soon handle calls related to the City’s Transit System. These recordings are maintained for use as evidence, quality assurance, and public record as required by law. High quality is essential. Staff has researched various equipment options and solicited proposals from industry leaders. They have determined that the 24-channel system proposed by Digital Loggers, Inc., is the most cost-effective solution. This system is the most robust and offers the largest amount of storage, thereby eliminating the need for any additional backup hardware. Staff is recommending that we utilize a competitively bid contract between Digital Loggers, Inc., and the City of Campbell, California, inasmuch as this system offers the needed components at a cost within the Police Department’s budget. Cost of the system will not exceed $25,000. Annual maintenance is available for $3,200 after the first year. Funding is available in the Police Department’s Equipment Replacement Fund, augmented by the Asset-Forfeiture Account.

RECOMMENDATION: That Council authorize Staff to enter into a contract with Digital Loggers, Inc., to replace the Police Department’s communications recording system at a cost not to exceed $25,000. Further, that Council authorize payment upon satisfactory completion of the project and authorize annual maintenance of the system.

D.D. Appropriated/Funded C.M. Item No. 6
SUBJECT: AWARD CONTRACT – AIRPORT IMPROVEMENT PROJECT

SOURCE: DEPARTMENT OF FINANCE/PURCHASING

COMMENT: Staff solicited bids for airfield improvements at the Porterville Municipal Airport. This improvement project involves rehabilitating the taxiways and apron, access gate improvements and electrical. Three (3) bids were received as follows:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valley Slurry Seal, Sacramento, CA</td>
<td>$345,783.56</td>
</tr>
<tr>
<td>Asphalt Maintenance, Visalia, CA</td>
<td>$435,764.90</td>
</tr>
<tr>
<td>California Pavement Maintenance, Inc., CA</td>
<td>$450,988.18</td>
</tr>
</tbody>
</table>

Staff has reviewed the low bid and found it acceptable. Funds for this project are available, in part, by a grant from the Federal Aviation Administration through its Airport Improvement Program (AIP). The City’s match is 10% of the project’s cost, half of which will be reimbursed by the State of California’s Aid to Airports Program upon project completion. The Engineer’s estimate of probable cost is $453,899.62. The low bid is about 24% under the estimate.

RECOMMENDATION:

That City Council:

1. Award the contract for the airfield improvement project to Valley Slurry Seal, of Sacramento, CA, in the amount of $345,783.56;

2. Authorize progress payments up to 90% of the contract amount; and

3. Authorize a 10% contingency to cover unforeseen costs.

Item No. 7
SUBJECT: ACCEPTANCE OF IMPROVEMENTS – RIVERVIEW ESTATES, PHASE FOUR SUBDIVISION (Greg Woodard – Woodard Homes)

SOURCE: Public Works Department – Engineering Division

COMMENT: The subdivider has requested that the public improvements, constructed for their subdivision, be accepted by the City for maintenance. All required improvements have been completed, inspected by City staff and found to be acceptable.

The subdivider has submitted a one (1) year maintenance guarantee for five percent of the total cost of improvements.

RECOMMENDATION: That City Council:

1. Accept the public improvements of Riverview Estates, Phase Four Subdivision for maintenance;

2. Authorize the filing of the Notice of Completion; and

3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

ATTACHMENT: Locator Map

P:\pubwork\Engineering\Council Items\2005-11-07 Acceptance of Improvements - Riverview Estates, Ph 4.doc

Appropriated/Funded Item No. 8
COUNCIL AGENDA: NOVEMBER 7, 2006

SUBJECT: APPROVE GRANT OF EASEMENT - CONVEYANCE OF LAND USE RIGHTS TO ENNIS COMMERCIAL PROPERTIES, LLC (BEN ENNIS, PRESIDENT)

SOURCE: Public Works Department - Engineering Division

COMMENT: Ennis Commercial Properties, LLC is requesting an easement that will encumber a small portion of the Centennial Park property. The northerly two (2) feet of the Centennial Park property will be utilized for the construction and permanent encroachment of a staircase. The staircase will provide secondary emergency access rights for patrons, employees, etc. utilizing the second floor of the building at the southeast corner of Main Street and Thurman Avenue.

The staircase became necessary as the project moved from the conceptual stage to the building plan review stage. Compliance with the California Building Code, public health and safety, is the rationale behind secondary emergency access (i.e., staircase) and was necessary due to the internal building design.

RECOMMENDATION: That City Council:

1. Accept the conveyance of easement rights to the Ennis Commercial Properties, LLC for the construction, repair, maintenance and use of a secondary access along a small sliver of land along the north side of Centennial Park;

2. Authorize the Mayor and City Clerk to sign the Grant of Easement and file: and

3. Authorize the City Clerk to record the Grant of Easement with the County Recorder’s Office.

ATTACHMENT: Grant of Easement
Locator Map
RESOLUTION NO. ___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE GRANT OF EASEMENTS TO ENNIS COMMERCIAL PROPERTIES, LLC

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby authorizes the Grant of Easement for construction, erection maintenance, repair, permanent staircase encroachment and secondary access rights to Ennis Commercial Properties within that certain following described real property, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibit “A” attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be authorized to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been authorized by the City Council for the City of Porterville.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________
By: Georgia Hawley, Chief Deputy City Clerk
RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
DEED AND TAX STATEMENTS TO:

City of Porterville
291 N. Main St.
Porterville, CA 93258

EASEMENT DEED
CORPORATION

<table>
<thead>
<tr>
<th>Atlas Sheet</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
<th>Street/Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>F9</td>
<td>25</td>
<td>21</td>
<td>27</td>
<td>Main Street</td>
</tr>
</tbody>
</table>

City of Porterville, a Municipal Corporation GRANT to the Ennis Commercial Properties, Limited Liability Corporation an EASEMENT for the construction, erection, maintenance, repair, permanent staircase encroachment and secondary access upon, over, across and within that certain real property in the City of Porterville, County of Tulare, State of California, described as follows:

See Exhibit “A” and Exhibit B” attached hereto and made a part hereof for reference.
IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this ___ day of _______________, 20___.

By_____________________________________,

Cameron Hamilton, Mayor

By_____________________________________,

John Longley, City Clerk

[CORPORATE SEAL]

STATE OF CALIFORNIA } ss

County of

On this the ___ day of _______________, 20___, before me, ___________________________________________, Name, Title of Officer-E G. "Jane Doe, Notary Public"

personally appeared ____________________________________________, Name(s) of Signer(s)

☐ personally known to me
☐ proved to me on the basis of satisfactory evidence

To be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State) (for notary seal or stamp)
EXHIBIT A

South 2 feet of the North 22 feet of Lot 6 of Block 7 of the Pioneer & Murphy’s Addition in the City of Porterville, County of Tulare, State of California as per map recorded in Volume 4 of Maps at Page 29 in the Office of the County Recorder of said County.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: [Signature]
Licensed Land Surveyor

Date: 11/1/06
CLEVELAND AVE

EASEMENT FOR CONSTRUCTION, ERECTION, MAINTENANCE, REPAIR, PERMANENT STAIRCASE ENCROACHMENT AND SECONDARY ACCESS OVER, ACROSS, THROUGH & WITHIN THE SOUTH 2 FEET OF THE NORTH 22 FEET OF BLOCK 7 OF PIONEER & MURPHY'S ADDITION TO THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA AS PER MAP RECORDED IN VOLUME 4 OF MAPS AT PAGE 29 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

SCALE: 1"=200'

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

THE SLY. PORTION OF THE NW 1/4 OF THE SW 1/4 OF SECTION 25, TOWNSHIP 21 SOUTH, RANGE 27 EAST, M.D.B. & M., IN THE CITY OF PORTERVILLE COUNTY OF TULARE, STATE OF CALIFORNIA

OWNER: CITY OF PORTERVILLE

DRAWN BY TJ
CHCK BY MKR
September 6, 2006

City Of Porterville  
291 North Main Street  
Porterville, Ca 93258

Attention: Baldo Rodriguez, City Engineer

Dear Baldo,

Thank you and the rest of the City staff for meeting with us regarding the problem with the outside stairway emergency exit. As a way to keep the architecture intact and without eliminating a portion of the upper balcony, we have designed the stair-way to exit off of the south side of the building and this would require an easement of approximately 1’10" onto the city property. We are in agreement that if the City Council disagrees with allowing the easement, we will redesign the stairway so that it does not encroach.

Sincerely

Ben Ennis
SUBJECT: INTENT TO ABANDON A PORTION OF GARDEN AVENUE (RAMOS FAMILY)

SOURCE: Public Works Department – Engineering Division

COMMENT: The City has received a request to abandon a portion of Garden Avenue between Fourth Street and the A.T.& S.F. Railroad. Jorge Ramos represents the proprietary interest to all the property fronting the proposed street abandonment and is hereby the requesting party.

All fees have been paid, and after Council takes action, the utility companies will be notified of the intent to abandon this portion of Garden Avenue. Easements will be reserved for pedestrian access and for the maintenance of an existing water main and municipal water well.

RECOMMENDATION: That City Council:

1. Pass a resolution of intent to abandon Garden Avenue between the east right of way of Fourth Street and the west right of way of the A.T.& S.F. Railroad; and

2. Set the Council meeting of December 5, 2006, as the time and place for a public hearing.

ATTACHMENTS: Resolution
Exhibit ‘A’ - Legal Description
Exhibit ‘B’ - Map of Right of Way Abandonment

P:\PUBLIC\ENGINEERING\COUNCIL ITEMS\2006-11-07 INTENT TO ABANDON A PORTION OF GARDEN AVENUE.DOC

Dir Appropriated/Funded CM Item No. 10
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE
GARDEN AVENUE LOCATED BETWEEN FOURTH STREET
AND THE A.T.&S.F.RAILROAD RIGHT OF WAY

SECTION 1: The Council of the City of Porterville, California, pursuant to
Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of
California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to abandon and
close to public use that certain public right of way located in the City of Porterville,
County of Tulare, State of California, and known generally as Garden Avenue, between
the east right of way of Fourth Street and the west right of way of the A.T.& S.F
Railroad.

SECTION 2: A map or plan of said public rights of way intended to be vacated,
abandoned and closed to public use is on file in the office of the City Clerk of the City of
Porterville, reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the reservation
of easements and rights of way for structures enumerated in Section 8330 of the
California Streets and Highways Code.

SECTION 4: The City of Porterville, in the abandonment of said public rights of
way to public use, reserves and excepts from the vacation the permanent easement
and right at any time, or from time to time to construct, maintain, operate, replace,
remove and renew sanitary sewers, water lines, and storm drains and appurtenant
structures in, upon, over, and across said street or part thereof proposed to be vacated
and pursuant to any existing franchises or renewals thereof, or otherwise, to construct,
maintain, operate, replace, remove, renew and enlarge lines of pipes, conduits, cables,
wires, poles and other convenient structures, equipment and fixtures for the operation
of gas pipe lines, telegraph and telephone lines, railroad lines, and from the
transportation or distribution of electric energy, petroleum and its products, ammonia,
water and incidental purposes, including the access and the right to keep the property
free from flammable materials and wood growth, and otherwise protect the same from all hazards in, upon and over the street or part thereof herein proposed to be vacated.

SECTION 5: Notice is further given that on Tuesday, the 5th day of December, 2006, at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers in the City Hall in the City of Porterville, at 291 North Main Street, is hereby fixed for the time and place for hearing any objections to the vacation, abandonment and closing to public use of said public rights of way.

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
EXHIBIT ‘A’ - LEGAL DESCRIPTION

That portion of Garden Street, in the City of Porterville, County of Tulare, State of California, according to the Map thereof recorded in Book 7, Page 11 of Maps, in the office of the County Recorder of said County, in the Southwest quarter of Section 25, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northwest corner of Lot 1 in the West half of Block 18 of said City of Porterville as shown on said Map;

Thence East along the South right of way line of said Garden Street, 138.3 feet to a point in the East line of said City of Porterville as shown on said Map, said point also being the Northeast corner of Lot 4 in the East half of Block 18 of said City of Porterville;

Thence Northwesterly along said East line 60 feet more or less to a point on the North right of way line of said Garden Street, said point also being the Southeast corner of Lot 1 in the East half of Block 19 of said City of Porterville;

Thence West along the North right of way line of said Garden Street, 135.2 feet to the Southwest corner of Lot 4 in the West half of Block 19 of said City of Porterville;

Thence South 60.0 feet to the Point of Beginning.

RESERVING UNTO THE CITY OF PORTERVILLE an easement for pedestrian access over and across the South 20.00 feet of the North 30.00 feet thereof.

ALSO RESERVING UNTO THE CITY OF PORTERVILLE an easement for water line upon, over, across and within the North 10.00 feet of the South 25.00 feet thereof.
EXHIBIT 'B'

MAP OF RIGHT OF WAY ABANDONMENT

BEING A PORTION OF GARDEN STREET, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 7, PAGE 11 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN.

OCTOBER 2006

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR
204 E. NOBLE AVENUE, VISALIA, CA. 93277; PHONE: (559) 739-1616

LICENSED LAND SURVEYOR
NEIL ZERLANG
LLS 5358
EXP. 12/31/07
STATE OF CALIFORNIA

LEGEND
1. PORTION OF GARDEN STREET TO BE ABANDONED.
2. 20.0 FOOT EASEMENT FOR PEDESTRIAN ACCESS.
3. 10.0 FOOT EASEMENT FOR WATER LINE.

CITY OF PORTERVILLE

SCALE: 1" = 40'

VICINITY MAP
NOT TO SCALE

ONE SHEET ONLY
SUBJECT: REQUEST FOR COUNCIL CONSIDERATION OF A SIDEWALK WAIVER FOR 192 WEST SCHOOL AVENUE (LARRY LONG)

SOURCE: Administration/City Clerk

COMMENT: Mr. Larry Long has submitted a letter to the City Manager requesting that he be allowed to address the Council on November 21, 2006 in order to ask for a sidewalk waiver at 192 W. School Avenue. If Council approves this request to be placed on the November 21 Council agenda, staff will provide the necessary background and information for Council’s review and consideration.

RECOMMENDATION: That the City Council approve the placement of Mr. Long’s request for sidewalk waiver on the City Council agenda of November 21, 2006.

October 23, 2006

John Longley, City Manager  
City of Porterville  
291 N. Main Street  
Porterville, CA 93257

Subject: Request To Be Placed On City Council Meeting of November 21, 2006

Dear Mr. Longley:

Please accept this letter as my official request to be placed on the November 21, 2006 Council meeting. It is my intent to ask the City Council for a waiver on the sidewalk requirement at 192 W. School Avenue as a condition of a building permit.

Approximately two years ago the City installed curb, gutter & sidewalk in my neighborhood. At that time Mr Baldo Rodriguez decided that existing mature Oak, Elm and Maple trees along the front and side of my property made it difficult to install the sidewalk and therefore, sidewalk would not be installed.

I recently constructed an addition to my residence. As a condition of the building permit, the City is insisting that I install sidewalk along the east and south side of my property. The mature trees are still in the way and if I am forced to install the sidewalk, the City will have to remove the beautiful mature trees. This would be a terrible loss to me and to the Neighborhood.

Section 20-40.7 of the City Municipal Code gives the City Council the right to waive the sidewalk requirement if street conditions, topography or physical factors make it unfeasible to install the concrete improvements. I respectfully ask that City Council grant a waiver on the sidewalk requirement for 192 W. School Avenue based on the existing conditions at this location.

Sincerely,

Larry D. Long  
192 W. School Avenue  
(559) 781-8761
Looking East on School Avenue
COUNCIL AGENDA: NOVEMBER 7, 2006

SUBJECT: CURBSIDE RECYCLING PROGRAM UPDATE

SOURCE: Public Works Department – Field Services Division

COMMENT: On July 1, 2006 the City of Porterville implemented its "Blue Can" program involving curbside collection of residential recyclables. As part of this program, the City receives revenue from our recycling processor, based on the quality of the materials collected and level of contamination. This contamination level is determined by periodic Waste Composition Studies conducted by the processor.

The City's first Waste Composition Study was completed at the end of September and has yielded a recyclable recovery level of 83%. This is significantly higher than the 75% recovery level anticipated for the curbside program. Attached is a graph illustrating the composition of the City's curbside recyclable wastestream.

Based on this information, during the quarter ended September 30, 2006 the City's "Blue Can" program diverted over 575 tons of material from the landfill and generated over $10,000 in revenue from the material processed. Staff is currently working on analyzing the cost of the curbside program in the first quarter. A staff report will be forthcoming when the analysis has been completed.

RECOMMENDATION: None. Item is informational.

ATTACHMENT: Graph
COUNCIL AGENDA: NOVEMBER 7, 2006

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
DOWNTOWN PORTERVILLE ASSOCIATION - TREE LIGHTING CEREMONY, NOVEMBER 24, 2006

SOURCE: Administrative Services, Finance Division

COMMENT: The Downtown Porterville Association is requesting approval to hold its annual "Tree Lighting Ceremony" at the corner of Main Street and Thurman Avenue on Friday, November 24, 2006. The event consists of tree lighting and a caroling procession from 6:00 p.m. to 9:00 p.m.

The following street closure/usage is requested:

POLICE ASSISTED ROLLING STREET CLOSURES:
Main Street from Thurman Avenue to Oak Avenue.

STREET CLOSURE FOR ENTERTAINMENT:
Oak Avenue from Division Street to Second Street

DOWNTOWN CITY PARK:
Centennial Park and Gazebo.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement and Exhibit "A."

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in the Application, Agreement and Exhibit "A."

ATTACHMENT: Community Civic Event Application, Agreement, Exhibit "A," outside amplifier permit, street closure/usage request and map

DD Appropriated/Funded C.M. Item No. 13
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 10/20/06  Event date: 11/24/06

Name of Event: Christmas Tree Lighting / Caroling

Sponsoring organization: Downtown Porterville Assoc. PHONE # 781-0880
Address: P.O. Box 1595 Porterville 93258

Authorized representative: Renay Sprague PHONE # (559) 782-1955
Address: 75 No Dist

Event chairperson: Judith Moore PHONE # 791-7877

Location of event (location map must be attached): Main Street

Type of event/method of operation: Caroling, Tree Lighting at Centennial Park

Nonprofit status determination: On File

City services requested (an (fees associated with these services will be billed separately)

- Barricades (quantity): 4
- Street sweeping: Yes ✗ No
- Police protection: Yes ✗ No
- Refuse pickup: Yes ✗ No
- Other: Rolling street closure of Main, Thurman to Oak
- Use of Centennial Park & Gazebo

Parks facility application required: Yes ✗ No
Assembly permit required: Yes ✗ No

STAFF COMMENTS (list special requirements or conditions for event):

Approve     Deny

- Bus Lic Spvr
- Pub Works Dir
- Comm Dev Dir
- Field Svcs Mgr
- Chief Fire Oper.
- Parks Dir
- Police Chief
- Deputy City Mgr
CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:

- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A."

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permittee, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event.

First aid station: Organization/Applicant will establish a first aid station to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

D. P. A. [Signature] 10/20/06 (Name of organization) (Signature) (Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: ____________________________________________________________

Sponsoring organization: ________________________________________________

Location: ____________________________  Event date: ________________________

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION.** This form should be completed at the time of application, but must be submitted one week prior to the event.

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<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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None
CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: ________________ Annual Tree Lighting Ceremony ________________

Sponsoring organization: ________________ Downtown Porterville Association ________________

Event date: ________________ 11/24/06 ________________ Hours: ________________ 6 pm - 9 pm ________________

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

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<th>Street Name</th>
<th>From</th>
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<th>Activity</th>
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<tbody>
<tr>
<td>Main St</td>
<td>Thurman</td>
<td>Oak</td>
<td>Caroling Parade</td>
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<td>Oak Ave</td>
<td>Main St</td>
<td>Alley, East</td>
<td>Entertainment</td>
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<th>Street Name</th>
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<th>Activity</th>
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<td>Sidewalks</td>
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<th>Parking lots and spaces</th>
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Centennial Park + Gazebo
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
DOWNTOWN PORTERVILLE ASSOCIATION
TREE LIGHTING CEREMONY
NOVEMBER 24, 2006

Business License Supervisor:  
  S. Perkins  
  No requirements.

Public Works Director:  
  B. Rodriguez  
  No comments.

Community Development Director:  
  B. Dunlap  
  No comments.

Field Services Manager:  
  B. Styles  
  No comments.

Chief of Fire Operations:  
  Mario G. Garcia  
  No comments.

Parks and Leisure Services Director:  
  J. Perrine  
  Centennial Plaza facility reservation required.

Police Chief:  
  C. McMillan  
  Requires City Council approval for street closure.

Risk Manager:  
  F. Guyton  
  See attached.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Downtown Porterville Association
Event: Tree Lighting Ceremony
Event Chairman: Judy Moore
Location: Main Street and Thurman Avenue, procession to Oak Avenue
Date of Event: November 24, 2006

RISK MANAGEMENT: Conditions of Approval

That the Downtown Porterville Association provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:
   Dauntan Porterville Assoc  
   P.O.Box 1595 PV 93258  
   Phone # 781-0880

2. Address where amplification equipment is to be used:
   Centennial Park, Oak Ave and  
   Main Street downtown
   Phone #

3. Names and addresses of all persons who will use or operate the amplification equipment:
   Dance Horizons  
   Livingwood Fellowship

4. Type of event for which amplification equipment will be used:
   Tree Lighting Ceremony - Caroling Procession

5. Dates and hours of operation of amplification equipment:
   11/24/06 6:00pm - 9:00pm

6. A general description of the sound amplifying equipment to be used:
   Basic Sound System including PA
I hereby certify that all statements and answers on this registration form are true and correct.

Applicant: [Signature]

Date: 10/25/06

Chief of Police: [Signature]

Date: 10-30-06

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGED YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

cc: ______________________
    ______________________
    ______________________

3/27/01
CITY COUNCIL AGENDA - NOVEMBER 7, 2006

THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

Item No. 14
SUBJECT: PARKS AND LEISURE SERVICES DEPARTMENT LOGO

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Parks and Leisure Services Department has worked with the Parks and Leisure Services Commission to develop a logo to be utilized in marketing and branding of department activities and materials. The Commission made a final selection at their meeting of October 5, 2006.

The logo contains a graphic image to be utilized in combination with several department labels. One label is simply Porterville Parks and Leisure and the other label is more extensive, indicating the City of Porterville and the three primary facility components of Library, Parks, and Youth Center. The design of the label lettering is an important element of the logo appearance.

The department intends to immediately implement the new logo. The matter is referred to the City Council as an informational item. No action is needed unless the City Council desires to modify the logo or its use.

RECOMMENDATION: That the City Council acknowledge the Parks and Leisure Services Department logo as established by the Parks and Leisure Services Commission.

ATTACHMENT: Logo

[Signatures]
SUBJECT: ACCEPTANCE OF DONATED VEHICLE

SOURCE: Police Department

COMMENT: Eagle Mountain Casino has surplussed a 1997 passenger van that has been identified as fitting a need for the Police Department. Eagle Mountain Casino has donated the van to the Police Department. City Shop personnel have inspected the van and found it to be in good repair. Minor costs will be incurred to replace/add a few items to the van.

Currently, the only vehicle available to the Police Department that can transport the entire SWAT team is an armored vehicle, however space inside this vehicle is at a minimum and an armored vehicle is not required for every incident for which the SWAT team is deployed. Upon accepting this donation, the donated van's primary use will be as a SWAT utility vehicle.

RECOMMENDATION: That the City Council:

1. Allow the Police Department to accept the donation of the van.

2. Authorize the addition of the van to the Police Department’s fleet of vehicles.

ATTACHMENTS: Porterville Police Department Interoffice Memorandum P-299
PORTERVILLE POLICE DEPARTMENT INTEROFFICE MEMORANDUM

October 23, 2006

TO: Chuck McMillan, Interim Chief of Police

FROM: Eric Kroutil, Acting Captain, Patrol Division

SUBJECT: Vehicle Donation

In the past few months, members of our department learned that the Eagle Mountain Casino was going to surplus several of their smaller passenger vans that they had been using to shuttle employees between their facilities. We also learned that the Eagle Mountain Casino would be willing to donate these vans to our department, if there was a use for them.

In reviewing the possibilities of using a van of this type within our department, several valuable uses were identified. These uses included use as a SWAT vehicle, a transport vehicle for prisoners, and a transport vehicle for our Police Explorers. Because we determined there were multiple needs for this type of vehicle, we met with Eagle Mountain representative Vicki Wingfield and she showed us one of the vehicles that were due to be surplussed. This vehicle was a 1997 Ford passenger van, similar in style to the City’s current Dial-A-Colt vans. Our initial assessment of the van was that it was in good shape and with a little expenditure of funds, could be a good asset to our fleet.

On October 9, 2006, Sergeant Castellow arranged for the van to be delivered to the City Corporation Yard for an inspection. I talked with Shop Supervisor Bryan Salazar prior and indicated to him what the potential uses of the van would be. I asked him to have the van inspected for safety issues, as well as for his department’s capabilities to perform routine maintenance on it. On October 13, 2006, Bryan Salazar informed Sergeant Castellow that the van was acceptable for the intended use and that their shop could support the maintenance on it.

During the inspection, there were some minor maintenance issues that would need to be addressed, such as tires and battery cables. In addition, there would be a small amount of modification that would need to be done to the van, such as the installation of an equipment box and tinting of the windows, in order to place the van in service. However, these costs will be minimal.

Based on the above, I am requesting to be allowed to accept this donation and introduce this vehicle to the police department fleet. Monthly costs are estimated to be minimal, averaging around $100 for insurance, gas and maintenance. These low costs are due to the nature of intended uses for the vehicle. Both the initial costs for the minor maintenance issues and the ongoing costs for the vehicle would come from our asset forfeiture account.

Thank you for your consideration.
SUBJECT: AIRPORT PROPERTY RENTED TO THE POLICE DEPARTMENT

SOURCE: ADMINISTRATION / AIRPORT

COMMENT: The Porterville Police Department is in need of additional office space and storage.

At the entrance to the Porterville Municipal Airport is a row of hangars owned by the City. At the North end of the hangar complex is a two-room office. This office space was rented to Paramount Farms until a few months ago.

Staff is proposing to assign the Police Department’s traffic division to this office space and use an adjacent hangar for storage and police motorcycle parking.

This program will allow for a greater police presence at the entrance of the airport which, in turn, may jump-start additional interest in the adjacent industrial park.

As no funds have been identified in the current Police budget to pay rent ($1,000 per month), staff is proposing the rent for Jan 1, 2007 to June 30-2007 be paid from the unallocated interest earned on the general fund. Additional appropriations for the continued use will be addressed during the 2007/2008 budget development process.

As the City owns the hangar complex and will “rent” the space to the Police Department, the FAA’s three-year lease requirements do not apply.
RECOMMENDATION: That the City Council:

1. Approve the Month-to Month rent of a hangar and office building to the Police Department.

2. Authorize six months of funding from the unallocated interest earned on the general fund.

3. Authorize a budget adjustment from the general fund to the airport fund in the amount of $6,000 for the remainder of 2006/2007 fiscal year.

ATTACHMENT

1- Locator Map
CITY COUNCIL AGENDA: NOVEMBER 7, 2006

SUBJECT: REQUEST FOR STREET CLOSURE - MYERS’ TWELFTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

SOURCE: Administrative Services/City Clerk Division

COMMENT: Richard Mendivil, Director of Myers Funeral Service and Crematory, has requested an assemblies permit for December 7, 2006, in order to hold the lighting ceremony for Myers' Twelfth Annual Christmas Tree Memorial Service. The ceremony will be held in front of Myers Chapel on "E" Street at 7:00 p.m. One thousand people attended the ceremony last year, and Mr. Mendivil has requested an assemblies permit for 1,000 people again this year.

In conjunction with this ceremony, Mr. Mendivil is also requesting that Council approve the closure of "E" Street, between Putnam and Cleveland Avenues, from 5:00 p.m. to 9:00 p.m. on December 7, 2006 for the safety of those attending.

The Police Chief has approved the Assemblies Permit, which is attached. Staff is recommending that the same requirements as previous years be specified again this year, i.e., Myers to provide the necessary insurance to cover this event, together with police officers to control the crowd, at a total cost to Myers not to exceed $500.00, notwithstanding insurance costs.

RECOMMENDATION: That the City Council approve the closure of "E" Street, between Putnam and Cleveland, on December 7, 2006, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

ATTACHMENTS: 1. Richard Mendivil Letter received November 1, 2006
2. Application for Assemblies Permit - Richard Mendivil
3. Insurance Certificate

Item No. 18
November 1, 2006

To: Porterville City Council

We respectfully request that “E” Street be blocked off at Putnam and Cleveland Avenues the evening of Thursday, December 7th from approximately 5-9 P.M., for the protection and safety of those who will be attending the Myers Christmas Tree Memorial Service.

Last December, Myers Funeral Service held their eleventh Christmas Tree Memorial Tree Service at this location. The response from the community was overwhelming and more than even we had anticipated. There were approximately 1,000 people from the local community and outlying areas attending.

Myers Funeral Service’s purpose in beginning this tradition was to give back to the community in the way of service. It allowed families a way to remember their loved ones who passed away. Many family members place ornaments on the trees, prior to the service, (or after), commemorating their loved ones.

A beautiful memorial service is planned for the evening of December 7, 2006, at 7:00 P.M. at Myers Funeral Service, when the community will be invited to attend and celebrate the beginning of the season by remembering their loved ones. At the conclusion of the service, the trees will be lit and remain lit throughout December.

As this event was so well received by the community the past eleven years, and this years anticipated crowd of even greater than the 1,000 that we had last year, we are requesting the “E” street be blocked off between Putnam and Cleveland Avenues; thereby assisting the protection/safety of those attending.

Enclosed, you will find an “Assemblies Permit”, signed by the Porterville Chief of Police, allowing us to have the service itself and a certificate of liability insurance.

Thank you for your consideration of the request.

Sincerely,

[Signature]

Richard Mendivil
Manager

RM:sb
Encl.
ORDINANCE NUMBER 927
Section 18-7.2

Application for ASSEMBLIES or MEETINGS on public streets, sidewalks or parks, within the City of Porterville.

This application MUST BE FILED WITHIN FOUR (4) DAYS PRIOR to the date of the assembly or meeting.

A. (Name/Address) (Telephone)
   Myers Funeral Svc. & Crematory
   248 N. "E" St., Porterville, CA 93257
   (559) 784-5454

B. (Name & Address of Organization) (Telephone)
   Richard Mendivil - Funeral Director
   (559) 784-5454

C. Name of Event Chairman Richard Mendivil

D. Purpose of event: Memorial service for families in the community that have lost loved ones

E. Date & Time of Event December 7, 2006 at 7:00 PM

F. Number of persons expecting 1,000

G. Location of the assembly area of event Myers Funeral Svc. & Crematory
   248 N. "E" St. Porterville, CA 93257

H. Security Guards required? [ ] yes [x] no If so, how many?

I. Plans for the assembly & dispersement of the event. Indicate times thereof Beginning 5:00 PM ending 9:00 PM

J. Other information Following the same procedures of the past eleven years

I HEREBY AGREE TO ABIDE BY ALL PROVISIONS SET FORTH IN CITY ORDINANCE 927, SECTION 18-7.2 AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY OF PORTERVILLE.

Legal signature of applicant

Date 10/3/96 Telephone (559) 784-5454

Application Approved [ ] Denied [ ]

Chief of Police

10/96
FEDERATED MUTUAL INSURANCE COMPANY
5701 W. Talavi Boulevard
Glendale, AZ 85306
Phone: 1-888-333-4949
Home Office: Owatonna, MN 55060

MYERS FUNERAL SERVICE & CREMATORY
248 NORTH E STREET
PORTERVILLE CA 93257

COMPANIES AFFORDING COVERAGE
COMPANY FEDERATED MUTUAL INSURANCE COMPANY OR
A FEDERATED SERVICE INSURANCE COMPANY
COMPANY B
COMPANY C
COMPANY D

COVERAGE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFRS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COVERAGE

GENERAL LIABILITY
COMMERCIAL GENERAL LIABILITY
CLAIMS MADE [X] OCCUR
OWNER’S & CONTRACTOR’S PRO
BUSINESSOWNER’S POLICY

AUTOMOBILE LIABILITY
ANY AUTO
ALL OWNED AUTOS
SCHEDULED AUTOS
HIRED AUTOS
NON-OWNED AUTOS

EXCESS LIABILITY
UMBERLLA FORM
OTHER THAN UMBRELLA FORM

WORKERS COMPENSATION AND EMPLOYER’S LIABILITY
THE PROPRIETORS, PARTNERS, EXECUTIVE OFFICERS ARE:
INCL
EXCL

LIMITS
GENERAL Aggregate: 2,000,000
PRODUCTS, COMP/AGG: 2,000,000
PERSONAL & ADV INJURY: 1,000,000
EACH OCCURRENCE: 1,000,000
FIRE DAMAGE: 50,000
MED EXP (Any one person): 0

COMBINED SINGLE LIMIT: 1,000,000
BODILY INJURY (Per person): 0
BODILY INJURY (Per accident): 0
PROPERTY DAMAGE: 0
AUTO ONLY: 0
OTHER THAN AUTO ONLY: 0
AGGREGATE: 0

EACH OCCURRENCE: 2,000,000
AGGREGATE: 2,000,000

WC STATUTORY LIMITS
OTHER Base Limits: 0
EL EACH ACCIDENT: 0
EL DISAB - POLICY LIMIT: 0
EL DISAB - EA EMPLOYEE: 0

DESCRIPTION OF OPERATIONS/LOCATIONS/Vehicles/SPECIAL ITEMS
Ref: CHRISTMAS PROGRAM 12.7.2006

CERTIFICATE HOLDER
CITY OF PORTERVILLE
291 N MAIN
PORTERVILLE CA 93257

CANCELLATION
Should any of the above described Policies be canceled before the Expiration date hereof, the issuing company will endeavor to mail 10 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the Company, its agents or representatives.
SUBJECT: AIRPORT LEASE - LOT 31A

SOURCE: Administrative Services/Purchasing Division

COMMENT: Dr. Westel L. Creager, the current lease holder of Lot 31A, has sold his hangar to James Costa of Tulare, CA. The new owner is requesting Council authorization to assume the existing lease between the City of Porterville and Dr. Creager dated June 17, 1997.

RECOMMENDATION: That the City Council approve the assigning of the lease agreement between the City of Porterville and Dr. Westel L. Creager to James Costa.

Attachments: Current Airport Map showing Lot 31A Assignment of Lease Lessor's Consent to Assignment of Lease Letters of Request from the parties

Dir. Appropriated/Funded Item No. 19
ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT

THIS AGREEMENT, made this 1st day of November, 2006, by and between Dr. Westel Creager, 33282 Tule Oak, Springville, CA, owner of a hangar on Lot 31A at the Porterville Municipal Airport., as the Assignor, and Mr. James Costa, 18250 Rd. 152, Tulare, CA, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective November 1, 2006, Assignor hereby assigns, transfers and conveys to Assignee all of their right, title and interest as Lessee, in, to and under a certain Lease Agreement dated June 17, 1997 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Westel L. Creager, M.D., as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

   An airport hangar known as No. 31A, and containing a total area of approximately 4,720 square feet, and establishing an original Lease terminating June 30, 2007.

2. Effective November 1, 2006, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord’s consent hereto, Assignee’s Noticed Address and Assignee’s Billing Address shall be as set forth herein above.

4. Assignor hereby covenants said Lease as valid and existing and Landlord is not default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR

BY: ______________________________
   Westel L. Creager, M.D.

ASSIGNEE

BY: ______________________________
   James Costa
LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 7th day of November, 2006.

CITY OF PORTERVILLE

BY: ____________________________
Cameron Hamilton
MAYOR, CITY OF PORTERVILLE

"LESSOR"

ATTEST: ____________________________
John Longley, CITY CLERK

APPROVED AS TO FORM:

BY: ____________________________
Julia Lew, City Attorney
September 29, 2006

S. Frank Guyton
Airport Manager
City of Porterville
40 W. Cleveland Ave.
Porterville, CA 93257

Regarding Purchase of 31A Porterville Airport

I am in the process of selling the aircraft hangar on Lot 31A at Porterville Airport. As per the lease agreement, I would like to transfer the land lease between myself and the City of Porterville to Mr. James Costa. We will split the $150.00 transfer fee.

Please put this on the next Council Agenda.

Thank you.

Sincerely,

Wes Creager, M.D.
September 27, 2006

Frank Guyton
Airport manager
City of Porterville
40 W. Cleveland Ave.
Porterville, Ca. 93257

Regarding the Purchase of 31A Porterville Airport

I am in the process of purchasing the aircraft hanger on Lot 31A
at Porterville Airport.
As per the lease agreement I would like to transfer the land lease between Dr.
Creager
and the City of Porterville to myself. We will split the $150.00 transfer fee.

Please put this on the next Council Agenda.

Thank you.

Sincerely,

James Costa
18250 Road 152
Tulare, Ca 93274
SUBJECT: AIRPORT LEASE - LOT 46E

SOURCE: Administrative Services/Purchasing Division

COMMENT: Donald M. and Marjorie E. Matthews, the current lease holders of Lot 46E, have sold their hangar to Lloyd B. Janzen and Bruce D. Janzen of Rancho Mirage, CA. The new owners are requesting Council authorization to assume the existing lease between the City of Porterville and Mr. & Mrs. Matthews dated April 1, 2005. Additionally, the new owners are requesting a 15-year lease with an option to extend upon mutual agreement of both parties.

Paragraph two (2) defines the term of the lease (see attachment). The City is proposing to void Paragraph 2 as it is currently written, and replace it with the following:

"Term: The term of this lease shall commence on November 1, 2006, both parties having executed same, and shall terminate on October 31, 2021, provided Lessee is not in default with respect to any of the conditions or covenants of this lease. Further, this lease may be extended upon mutual agreement of both parties."

RECOMMENDATION: That the City Council:

1. Approve the assigning of the lease agreement between the City of Porterville and Donald M. and Marjorie E. Matthews to Lloyd B. Janzen and Bruce D. Janzen; and

2. Approve the modification to the lease revising the term and allowing for future extension of the lease.

Attachments: Current Airport Map showing Lot 46E
Assignment of Lease
Lessor’s Consent to Assignment of Lease
Amendment No. 1 to Lease Agreement
Letter of Request from the parties

Dir. Appropriated/Funded C/M Item No. 20
ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT

THIS AGREEMENT, made this 1st day of November, 2006, by and between Donald M. and Marjorie E. Matthews, 30861 Sunshine Dr., Porterville, CA, owners of a hangar on Lot 46E at the Porterville Municipal Airport, as the Assignors, and Mr. Lloyd B. Janzen and Mr. Bruce D. Janzen, 36705 Jasmine Ln., Rancho Mirage, Ca, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective November 1, 2006, Assignor hereby assigns, transfers and conveys to Assignee all of their right, title and interest as Lessee, in, to and under a certain Lease Agreement dated April 1, 2005 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Donald M. Matthews and Marjorie E. Matthews, as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

   An airport hangar known as No. 46E, and containing a total area of approximately 3,220 square feet, and establishing an original Lease terminating March 31, 2020.

2. Effective November 1, 2006, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord's consent hereto, Assignee's Noticed Address and Assignee's Billing Address shall be as set forth herein above.

4. Assignor hereby covenants said Lease as valid and existing and Landlord is not default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR                        ASSIGNEE

BY: ___________________  BY: ___________________  BY: ___________________

Donald M. Matthews             Marjorie E. Matthews
LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 7th day of November, 2006.

CITY OF PORTERVILLE

BY: ____________________________
    Cameron Hamilton
    MAYOR, CITY OF PORTERVILLE

"LESSOR"

ATTEST: _________________________
        John Longley, CITY CLERK

APPROVED AS TO FORM:

BY: ____________________________
    Julia Lew, City Attorney
AMENDMENT NO. 1 TO LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

The City of Porterville, a Charter Law City and Municipal Corporation (the “City” or “Lessor”), having entered into a Lease Agreement dated November 1, 2006, with respect to Lot 46E at the Porterville Municipal Airport, and Lloyd B. Janzen and Bruce D. Janzen (“Lessee”) do hereby agree to amend paragraph 2 of said Lease Agreement, contingent only on the mutual execution of same, as follows:

Paragraph 2 of the Lease Agreement is amended to read as follows:

Term: The term of this lease shall commence on November 1, 2006, both parties having executed same, and shall terminate on October 31, 2021, provided Lessee is not in default with respect to any of the conditions or covenants of this lease. Further, this lease may be extended upon mutual agreement of both parties.

DATED: November 7, 2006

CITY OF PORTERVILLE

________________________________________
Cameron Hamilton, Mayor

LESSEE

By: ________________________________
Lloyd B. Janzen

ATTEST:

By: ________________________________
Bruce D. Janzen

________________________________________
John Longley, City Clerk

Approved as to Form:

______________________________
Julia M. Lew, City Attorney
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of April, 2005 by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as “City” and Donald M. and Marjorie E. Matthews hereinafter referred to as “Lessee.”

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as “Porterville Municipal Airport”; and

WHEREAS, Lessee desires to lease a portion of said airport for the purpose of operating an existing aircraft hangar to be used for the parking and storage of aircraft and other activities incidental thereto; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 46E at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence on April 1, 2005, both parties having executed the same, and shall terminate on March 31, 2020. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease.

3. Rental and Business Privilege Consideration: Lessee agrees to pay to City in lawful money of the United States without deductions or offset, to the Finance Director, City of Porterville, 291 N. Main Street, Porterville, California, 93257, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of $.231 per
October 23, 2006

City of Porterville
Attention: Frank Guyton, Airport Manager

SUBJECT: Lease of Land for Hangar 46E

We respectfully request to relinquish our lease of land for hangar 46E at Porterville Municipal Airport. We ask that you transfer the lease to

LLOYD B. JANZEN  RUFUS D. JANZEN

as he is purchasing hangar 46E.

This is to take affect immediately. Thank you for your attention.

Respectfully,

Don and Marjorie Matthews
30861 Sunshine Drive
Porterville, CA 93257
Phone: 559-791-1337

SIGNATURE

36705 JASMINE LN
ADDRESS

LANCHO MIKAGE  CA  92270
CITY AND STATE, zip

960 664 3759  909 389 9790
PHONE
SUBJECT: AIRPORT LAND DRY FARMING LEASE AGREEMENT

SOURCE: Administration / Airport

COMMENT:

On May 16, 2006, Council authorized staff to solicit proposals for dry farming 398.2 acres of airport land. This land is identified on the attached map as lots 3 through 11, and lot 14.

Two parties expressed interest, one was for a fixed amount and one was for a percentage of the gross. Mr. Jeff Sheets was the individual who proposed a percentage formula and whereas a “percentage of the gross” has the potential to bring in additional revenue, Council directed staff to develop a lease agreement with Mr. Sheets.

RECOMMENDATION: That the City Council:

1. Approve the attached lease agreement between the City of Porterville Airport Fund and Mr. Jeff Sheets for a three-year period, pursuant to FAA requirements.

2. Authorize the Mayor to sign the agreement.

ATTACHMENTS: 1- Resolution

2- Proposed lease agreement

3- Locator map / Exhibit A
RESOLUTION NO. ___-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE USE OF AIRPORT PROPERTY LOCATED AT THE PORTERVILLE MUNICIPAL AIRPORT FOR DRY FARMING OPERATIONS

WHEREAS, the City of Porterville intends to rent property from the Porterville Municipal Airport for dry farming operations; and

WHEREAS, City understands that this agreement is for a three (3) year period, and should the Airport have need for any or all of the subject property, this agreement becomes null and void; and

WHEREAS, the Airport will supply the property for dry farming operations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Council accepts the agreement conditions as follows:

1. The Porterville Municipal Airport agrees to supply to Mr. Jeff Sheets property at the Airport for dry farming operations.

2. Mr. Sheets agrees to pay the City of Porterville thirty percent (30%) of the “gross” revenue from the sale of any crop. Mr. Sheets will also control any yellow star thistle, and disc in the appropriate amount of City supplied bio-solids at no cost to the City.

3. The term of the agreement shall be for three (3) years.

ADOPTED this 7th day of November, 2006.

_________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: _______________________________
Georgia Hawley, Chief Deputy City Clerk
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the 7th of November, 2006, by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Jeff Sheets hereinafter referred to as "Lessee".

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as "Porterville Municipal Airport"; and

WHEREAS, Lessee desires to lease a portion of said airport for dry farming operations; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as unimproved airport land, at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence on November 7, 2006, both parties having executed the same, and shall terminate on November 6, 2009, provided Lessee is not in default with respect to any of the conditions or covenants of this lease.

3. Rental and Business Privilege Consideration: Lessee agrees to pay to City in lawful money of the United States without deductions or offset, to the Finance Director, City of Porterville, 291 N. Main Street, Porterville, California 93257, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of 30% of the gross sales of product grown on airport property.
4. **Purpose:** This Lease is made for the purpose of dry farming. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above. Lessee shall not do or permit any act or thing to be done upon the premises which constitutes nuisance or which may disturb the quiet enjoyment of City or any tenant of City on adjacent neighboring property.

Lessee further agrees that, within 72 hours from receiving written notice by the City that a nuisance exists, to abate or otherwise cause said nuisance to be cured.

In the event Lessee has not (a) taken corrective action within 72 hours, or (b) filed an appeal with the City Council, City of Porterville, within 72 hours, then City may enter and abate said nuisance at the expense of Lessee without any liability whatsoever to City for monetary loss or anticipated profits of Lessee or others.

Said appeal to the City Council must be made in writing and be received by the City Clerk, 291 N. Main Street, Porterville, California, 93257, within 72 hours after Lessee received notice of said nuisance.

5. **Right of Ingress and Egress:** Lessee shall have the right-of-way to property owned and controlled by City for ingress thereto and egress therefrom for pedestrian, vehicular, and air travel, together with the right to use in common with other Lessee or licensees of City the airplane landing field adjacent to the demised premises. None of these rights are exclusive, but shall be exercised in common with and subject to possible similar rights of other users of said airport. All of the foregoing is subject to such reasonable rules and regulations as the City or its authorized agents may make from time to time. Such rules and regulations, however, shall be reasonable and shall not conflict in any way with similar rules and regulations adopted from time to time by the Federal Aviation Administration or its successor.

6. **Condition of Premises:** Lessee has inspected the demised premises and knows the extent and condition thereof and accepts same in its present condition, subject to and including all defects, latent and/or patent.
7. **Alteration:** Lessee shall make no structural modifications to any access points on the demised premises without the written consent of the City Airport Manager first being obtained.

8. **Maintenance:** Lessee agrees to keep the land in a good state of repair by periodic maintenance including control of all Yellow Star Thistle, and discing in any and all bio-solids supplied by the City within 24 hours. During the term of this Lease, the City Airport Manager shall have the right to notify Lessee in writing wherein Lessee has failed to maintain the property in a good state of repair. Lessee shall make such corrections in the time and manner prescribed by said Airport Manager, or in the event Lessee disagrees, Lessee shall have the right to appeal within fifteen (15) days from date of notice from said Airport Manager to the City Council concerning the request for maintenance made to Lessee by said Airport Manager; it being understood and agreed that the decision of the City Council shall be final.

9. **Utilities:** Lessee agrees to pay during the term of the Lease, or any holding over, any and all utilities utilized by it to said demised premises. The term “utilities” as used herein shall include, but is not limited to, telephone, electrical, water, sewer, gas, janitorial, heating, cooling, and trash and refuse disposal service.

10. **Utility Extension or Modification:** Lessee shall pay any and all expenses that may be incurred in obtaining the extension of public utility services to the demised premises from existing utility facilities or any modifications of same.

11. **Taxes and Assessments:** Lessee understands that the lease of the premises creates a possessory interest subject to taxation by the County of Tulare. Lessee agrees to pay all taxes and/or assessments levied by any governmental agency upon any interest acquired by Lessee under the terms of this Lease.

12. **Compliance with Law:** Lessee shall, at its expense, promptly comply with any and all laws, ordinances, rules, regulations, requirements, and order whatever, present or future, of the national, state, county or city government which may in any way apply to the use, maintenance or occupation of, or operations on the premises.
13. **Liens and Encumbrances:** Lessee shall keep the premises free from any liens or encumbrances arising out of any work performed, material furnished, or obligations incurred by Lessee, or from any other cause.

14. **Negation of Partnership:** City shall not become or be deemed a partner or joint venturer with Lessee or associate in any relationship with Lessee’s operations thereon. City reserves all rights in and with respect to the premises, not inconsistent with Lessee’s use of the premises as in this lease provided, including (without limiting the generality of the foregoing) the right of City to enter upon the premises for the purpose of installing, using, maintaining, renewing, and replacing such underground oil, gas, water, sewer, and other pipelines, and such underground or aboveground telephone, telegraph, and electric power conduits or lines as City may deem desirable in connection with the development or use of any other property in the neighborhood of the premises. City shall compensate Lessee for any and all damage to Lessee’s improvement and personal property caused by the exercise of the rights reserved in this paragraph.

15. **Indemnification:** Lessee agrees to indemnify, defend ( upon request by the City) and save harmless the City, its agents, officers, and employees, and each of them, from any and all losses, costs, expenses, claims, liabilities, action, or damages, including liability for injuries to person or persons, or damage to property of third persons arising out of or in any way connected with (a) the conducting or operation of Lessee’s business on demised premises during the term of the Lease or any holding over, or (b) the construction or the removal of any facilities or improvements on the demised premises during the term of this lease or any holding over.

16. **Liability Insurance:** Lessee, in order to protect the City, its agents, officers, and employees against all claims and liability for death, injury, loss, and damage as a result of Lessee’s (a) use and operations on the demised premises or in connection therewith, or (b) construction or removal of any improvements on the demised premises or in connection therewith, shall name the City as additional insured in the amount of not less than FIVE HUNDRED THOUSAND DOLLARS ($500,000). Coverage shall include General Liability combined Bodily Injury and Property Damage, Single Limits and Aggregate, with a reliable insurance carrier authorized to do such public liability
and property damage insurance business in the State of California. Said insurance shall not be subject to cancellation or coverage reduction without thirty (30) days prior written notice to City. Within (10) days from the date of this Lease, Lessee shall file with the City Clerk, City of Porterville, a duly certified Certificate of Insurance evidencing that the herein above mentioned public liability and property damage provisions have been complied with, and setting forth that City, its agents, officers, and employees are named as additional insureds. In the event that Lessee shall fail to take out and keep in effect such policy or to furnish evidence thereof to City, City may, at City’s option, procure the same, pay the premium thereof and collect same with the next payment of rental due from lessee or immediately terminate this lease.

17. **Nondiscrimination:** Lessee for itself, its heirs, personal representatives, successors in interest and assigns as part of the consideration hereof does hereby covenant and agree that (1) no person on the grounds of race, color, sex or national origin shall be excluded from participation, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination; (3) that the lessee shall use the premises in compliance with other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and / or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge a fair, reasonable and not unjustly discriminatory price for each unit or service; provided that the Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates, or similar type of price reductions to volume purchasers.

In the event of breach of any of the above nondiscriminatory covenants, City shall have the right to terminate this Lease and to re-enter and repossess the demised premises and the facilities thereon and hold the same as if the Lease had never been made or issued.
Lessee agrees that it shall insert the above nondiscrimination provisions in any sublease or other agreement by which Lessee grants a right or privilege to any person, firm, or corporation to render accommodations and/or services to the public on the premises herein leased.

18. **Improvement of Land Area:** City reserves the right to further develop or improve the landing area of the airport as it sees fit regardless of the desires or views of Lessee and without interference or hindrance.

19. **Maintenance of Landing Area:** City reserves the right to maintain and keep in repair the landing area of the airport and all publicly-owned facilities of the airport, together with the right to direct and control all activities of the Lessee in this regard. Providing further, City shall keep and maintain in a safe and operable condition the taxiways, runways (including the lighting thereof) and roadways on the airport during such hours and to such extent as City may determine is reasonably required for the operation of the airport.

20. **Lease Subordinate to Agreements with the United States Government:** This Lease shall be subordinate to the provisions and requirements of any existing or future agreement between the City and the United States relative to the development, operation or maintenance of the airport.

21. **Non-Exclusive Right:** It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308 (a) of the Federal Aviation Act of 1958. (49 U.S.C. 1349).

22. **Rights of United States Government:** This Lease and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation, or taking over of said airport.

23. **Notices:** All notices herein provided to be given, or which may be given, by either party to the other shall be deemed to have been fully given when made in writing and deposited with the United States Postal Service, Registered or Certified, postage prepaid and addressed as follows:

   To the Lessee:       Jeff Sheets
                       8295 Rd. 208
                       Terra Bella, Ca 93270
To the City: 
Airport Manager 
City of Porterville 
291 N. Main St. 
Porterville, CA. 93257

The address to which the notices shall be or may be mailed, as aforesaid, to either party shall or may be changed by written notice given by such party to the other, as hereinbefore provided, but nothing herein contained shall preclude the giving of any such notice by personal service.

24. **Authorized Agent of the City:** The Airport Manager of the City of Porterville is duly the authorized agent of the City for purposes of this Lease; and as to any obligations assumed herein by Lessee, they shall be performed to the satisfaction of said Airport Manager.

25. **Assignment and Subletting:** This Lease shall be binding upon and shall inure to the benefit of the heirs, administrators, executors, successors, and assigns of the respective parties hereto. Lessee shall not, however, and Lessee herewith agrees, that it will not sublet the premises, or any part thereof or assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder without the prior written consent of the City. In the event the Lessee shall sublet, assign, transfer, mortgage, or otherwise convey the premises or it rights and interest hereunder, or any part thereof, or attempt to do so in violation to the foregoing provision, then in addition to any and all other rights and remedies available to it, the City may, at its option by written notice to Lessee, either declare such sublease, assignment, transfer, mortgage or other conveyance void or terminate this Lease and all rights and interest of Lessee and all other persons hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a transfer, mortgage, or conveyance. This clause shall not be construed to limit right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

26. **Hypothecation:** Lessee may, with the consent of the City, give, assign, transfer, mortgage, hypothecate, grant control of, or encumber Lessee’s interest under this Lease and the leasehold estate so created to a bonafide lender on the security of the leasehold estate. Any such bonafide lender shall have the right at any time during the term of the loan and while this Lease is in full force and effect:

(a) To do any act or thing required of Lessee in order to prevent a forfeiture of Lessee’s rights hereunder, and all such acts or things so done shall be as effective to prevent a
forfeiture of Lessee’s rights hereunder by Lessee.

(b) To succeed to the interest of Lessee hereunder and thereafter at such lender’s option to convey, assign or sublease the interest or title to said leasehold estate to another person acceptable to City, subject to all the terms, conditions, and covenants of this Lease. Two (2) copies of any and all security devices or instruments shall be filed with City’s Airport Manager prior to the effective date thereof, and Lessee shall give Airport Manager prior written notice of any changes or amendments thereto.

Any bona fide lender shall have the right, if so permitted by the terms and conditions of the concerned instrument of hypothecation between lender and Lessee, to remove any or all of Lessee’s improvements under said hypothecation from the demised premises, subject only to the restriction that in the event of such removal, the demised premises herein above described be restored by Lessee to a condition satisfactory to the City’s Airport Manager, and that said removal be done in a manner and at a time satisfactory with said Airport Manager.

27. **Breach by Lessee:** In the event of the breach by Lessee of any term, condition, or agreement herein contained, and the failure to cure such breach within thirty (30) days after written notice has been given to Lessee by City, this Lease and all privileges herein granted shall be terminated and be of no other force or effect, and Lessee shall immediately surrender possession of the premises hereby granted, and in the event City has to resort to legal action to enforce any provision hereof, or to obtain restitution hereunder, the Lessee shall pay all costs and expenses, including attorney’s fees of such action. Providing further, that in the event Lessee breaches this Lease and abandons the demised premises before the end of the term, or if Lessee’s right to possession is terminated by City because of a breach of this Lease, City shall have the right to recover from Lessee, as provided in State of California Civil Code Section 1951.2. Damages City may recover shall include the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss for the same period that the Lessee proves could be reasonably avoided. This clause shall not be construed to limit any right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

28. **Waiver of Breach:** The waiver by City of any breach by Lessee of any provision
contained herein shall not be deemed to be a waiver of such provision, or a waiver of any breach of any other provision contained herein.

29. **Bankruptcy:** In the event the (a) Lessee shall file a voluntary petition in bankruptcy proceeding; (b) any voluntary or involuntary proceeding for the reorganization of Lessee shall be instituted by anyone other than the City under any of the provisions of the bankruptcy laws of the United States; or (c) a receiver or judicial trustee or custodian shall be appointed for Lessee, or any alien or any writ of attachment, garnishment, execution, or distrain shall be levied upon any of Lessee’s rights or interest under this Lease; or (d) there shall be any other assignment of any of Lessee’s rights or interest under this Lease by operation of law, then in addition to any and all other rights and remedies available to it, City may, at its option by written notice to Lessee, terminate this Lease and all rights and interest of Lessee and all other persons under this Lease. The term “Lessee”, as used in this paragraph, includes any individual, partnership, or corporation who is a Lessee hereunder, even though several individuals, partnerships, or corporations are such, and includes each partner of any partnership which is a Lessee hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a consent to any other different or subsequent sublease, assignment, transfer, mortgage, or conveyance.

30. **Quiet Possession:** Notwithstanding any other provision in this Lease, City covenants that Lessee, on paying the rent and performing the covenants herein contained, shall and may peaceably and quietly have and enjoy the demised premises for the term hereof.

31. **Surrender of Premises:** On the last day of said term, or extension thereof, or sooner termination of the Lease, Lessee will peaceably and quietly leave, surrender, and yield up to the City the demised premises in as good condition and repair as at the commencement of Lessee’s occupancy, reasonable use and wear thereof, and damage by earthquake, public calamity, by the elements, by acts of God, or by fire or other circumstances over which Lessee has no control, excepted.

32. **Removal of Improvement at Termination:** Upon the termination of this Lease, or any holding over, for any reason other than Lessee’s failure to perform its obligations under the terms and conditions of this Lease, Lessee shall have the right at Lessee’s sole cost and expense, to remove all improvements and/or furniture, furnishings, equipment, and fixtures of whatsoever kind or nature
placed of the demised premises by Lessee or its contractors so long as they could be removed without damage or disfigurement to the demised premises. Full restoration of the demised premises as it existed prior to the construction of said improvements or the installation of said furniture, furnishings, equipment, and fixtures shall be made by Lessee. If after the termination of this Lease Lessee has not removed said improvements, furniture, furnishings, equipment, and fixtures, the City shall have the option to claim the ownership thereof or to remove same and restore the demised premises as set forth above at the expense of Lessee. Said expense shall also include consideration for the additional time Lessee or its improvements occupy the premises beyond the termination date and disallow the City’s total utilization of the premises pursuant to its ownership of the property.

In the event of a termination by City of this Lease because of Lessee’s failure to faithfully perform the terms and conditions of this Lease, the City may accept cash or other satisfactory security for the amount of its costs, expense, loss and damage accruing from Lessee’s failure to perform and thereupon the Lessee shall have the right to remove the said improvements.

33. **Incorporation of Prior Agreements and Amendments:** This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing only, signed by the parties in interest at the time of modification.

34. **Severability:** The invalidity of any provision of this Lease as determined by a Court of competent jurisdiction shall in no way affect the validity of any other provision hereof.

35. **Construed Pursuant to California Law:** The parties hereto agree that the provisions of this Lease will be construed pursuant to the laws of the State of California.

36. **Venue:** If either Lessee or City initiates an action to enforce the terms hereof or declare rights hereunder, including actions on any bonds and/or surety agreements, the parties agree that the venue thereof shall be the County of Tulare, State of California. Lessee hereby waives any rights he might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

37. **Covenants and Conditions:** Each provision of this Lease performable by Lessee shall be deemed both a covenant and a condition.
38. Captions: The use of Paragraph headings in this Lease is solely for convenience, and they shall be wholly disregarded in the construction of this Lease.

39. Time of Essence: Time is hereby expressly declared to be the essence of this Lease and of each and every provision thereof, and each such provision is hereby made and declared to be a material, necessary, and essential part of this Lease.

IN WITNESS WHEREOF, the parties hereto have executed this Lease on the day and year first herein above written.

APPROVED AS TO FORM:                      CITY OF PORTERVILLE

_____________________________                      By: ________________________________
Julie Lew, City Attorney                      Cameron Hamilton, Mayor

ATTEST:

_____________________________
John Longley, City Clerk

LESSEE

_____________________________
Jeff Sheets
Exhibit "A"

City of Porterville
AIRPORT LEASE GF-SRF 2003

NON-IRRIGATED LAND = 67.3 ACRES
IRRIGATED LAND = 570.3 ACRES
TOTAL LEASED PROPERTY = 637.6 ACRES

LEGEND

- IRRIGATED LAND
- NON-IRRIGATED LAND

SCALE: 1" = 1200'

400 100 1200 FT
PUBLIC HEARING

SUBJECT: BUDGET ADJUSTMENT/CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING

SOURCE: Police Department

COMMENT: In the past few years the City of Porterville has annually received funding from the State of California through the Citizens' Option for Public Safety (COPS) Grant Program. The amount we approved to receive this year from this grant is approximately $100,000. In the past, the Police Department has used these funds in support of a full-time sworn police officer, a community services officer, and all necessary training, equipment, and overtime costs. The expenditure of these funds in this manner is in proper adherence with the requirements as specified in the Assembly Bill.

RECOMMENDATION: That City Council:
1. Conduct the public hearing to receive public comment; and
2. Authorize use of these funds to offset costs for the full-time sworn officer, the community services officer, and all necessary training, equipment, and overtime costs; and
3. Approve an increase to the Police Department's 2006-2007 budget, in the amount of $100,000.

Attachment: Draft Resolution

D.D. Appropriated/Funded C.M. Item No. 32
RESOLUTION NO. __________-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING CITIZENS’ OPTION FOR PUBLIC SAFETY (COPS) GRANT FUNDS AND APPROVING A BUDGET ADJUSTMENT TO THE POLICE DEPARTMENT BUDGET

BE IT HEREBY RESOLVED by the City Council of the City of Porterville as follows:

1. That the City of Porterville accept the 2006/2007 Citizens' Option for Public Safety (COPS) Grand Funds; and

2. That the Police Department appropriation be increased by the amount of the grant from COPS Funds received for Fiscal Year 2006/2007 to allow for the expenditure of those Grant Funds in support of a full-time Sworn Officer and a Community Services Officer and their operational costs.

APPROVED AND ADOPTED this 7th day of November, 2006.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

________________________________________
By: Georgia Hawley, Chief Deputy City Clerk
COUNCIL AGENDA: November 7, 2006

PUBLIC HEARING

SUBJECT: Title VI Report

SOURCE: Administration (Transit)

COMMENTS: As required by Federal regulations for the Section 5307 program, a Title VI Report must be submitted once every three years to the Federal Transit Administration. The City’s last submittal was in 2003, requiring an update in 2006.

The Title VI Report only contains provisions required by the regulations. Two new requirements since the last report include:

(1) Establishing a Language Assistance Plan, and

(2) Establishing a complaint process, and a procedure for tracking complaints dealing with Title VI.

These two provisions are provided for in Sections 6 and 7, respectively. Staff is in the process of translating these two sections into Spanish, and upon completion, the provisions will be posted in both English and Spanish at the Transit Center, and also available at counters in City Hall.

In order to satisfy all requirements of the Title VI regulations, a public hearing is required to allow testimony from the public regarding the document.

RECOMMENDATION: That the City Council:

1. Hold the required public hearing, and direct staff to consider any comments received relating to the Title VI Report; and

2. Adopt the Title VI Report, authorizing the Mayor to sign any documents that may be required to complete the filing of the Report with the Federal Transit Administration.

ATTACHMENT: Title VI Report

DD Appropriated/Funded C.M. Item No. 23
PUBLIC HEARING

SUBJECT: ZONING ORDINANCE AMENDMENT 2006-7 (FORMERLY 3-2004)- AN ORDINANCE AMENDING VARIOUS SIGNAGE REGULATIONS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING

COMMENT: In July 2004, the City Council directed Staff to prepare amendments to the regulations concerning banners and temporary signage, guild signage, and roof mounted signage. These items were identified as high value amendments that could improve the visual impact of commercial areas without requiring a comprehensive review of the ordinance. The City Council also expressed an interest in improving the enforcement of current signage regulations.

In September 2004, Staff brought forward certain proposed revisions, but action was delayed in an effort to include the community in the process of revising the sign ordinance. Per direction of the Council, a committee of local business owners and interested parties was formed. The amendments presented herein address the comments related by the members of the committee, as well as the focus points requested by the City Council.

Currently, the Zoning Ordinance permits temporary signs for promotional purposes, with no limit to the size or number of signs. Each sign must be removed after six months, however, there is no permitting process to verify the installation and removal dates. The Ordinance prohibits the installation of a sign that exceeds the height of the building to which it is attached. That regulation does not prohibit the installation of signs on porch roofs, or on the lower portions of pitched roofs that do not exceed the maximum height of the building at the ridgeline. Finally, the downtown signage guidelines encourage the use of guild signs which project horizontally from the building. Guild signs can be an appealing, pedestrian friendly feature of the commercial streetscape. Such signs are currently limited to a maximum height of six (6) inches. This has proven to be overly restrictive, preventing the installation of attractive and creative signage.

The proposed amendments address each of these three weaknesses in the current Zoning Ordinance. Additional amendments are proposed which would clarify definitions and processes and to facilitate enforcement. In addition, appropriate modifications are proposed for Chapter 3, Article IV of the Porterville Municipal Code, to ensure consistency with the Zoning Ordinance.
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING PORTIONS OF THE MUNICIPAL CODE AND ZONING ORDINANCE PERTAINING TO SIGNAGE STANDARDS

WHEREAS: In July 2004, the City Council directed staff to prepare a General Amendment to the Zoning Ordinance pertaining to regulations and standards for signage specifically addressing banners and other temporary signage, guild signage, roof mounted signage, and maintenance of signs; and

WHEREAS: The Council acted to undertake an ordinance amendment pertaining to signage due to the deleterious effect an excess of temporary and unkempt signs can have on a business district; and

WHEREAS: Staff prepared a proposed amendment and brought the matter back to the Council in September 2004, at which time the Council directed the formation of a committee of local business people and interested parties to provide input on the proposed ordinance amendment; and

WHEREAS: Staff held a number of meetings with the committee to define reasonable signage provisions that address the desire of the Council as well as preserve the ability of the businesses to hold promotional activities and promote their businesses with suitable signage, both temporary and permanent; and

WHEREAS: The City Council considered the proposed amendment on November 7, 2006 which incorporated the input of the business community and the will of the City Council; and

WHEREAS: A public hearing has been held before the City Council, pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of the City; and

WHEREAS: Pursuant to State and local environmental regulations, it has been determined that the regulations encompassed in this Ordinance are exempt from the California Environmental Quality Act, and as a general rule, a Notice of Exemption is filed.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend the Porterville Municipal Code including the Zoning Ordinance as pertains to signage regulations and standards as follows:

Attachment 1
Municipal Code - Chapter 3 - ADVERTISING AND SIGNS is amended as follows:

ARTICLE I. IN GENERAL

No changes are proposed to this article.

ARTICLE II. HANDBILLS, ADVERTISING CIRCULARS, ETC.

No changes are proposed to this article.

ARTICLE III. SOUND TRUCKS AND SOUND AMPLIFYING EQUIPMENT

No changes are proposed to this article.

ARTICLE IV. SIGNS

Sec. 3-21. Title, scope and enforcement.

(a) Title. This article shall be known as the “Uniform Sign Code,” may be cited as such, and will be referred to herein as “this Code.”

(b) Purpose and scope. The purpose of this Code is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures visible from outside the building or intended for view by people outside the building. The regulations of this Code are not intended to permit any violation of the provisions of any other lawful ordinance.

(c) Enforcement. The building official is hereby authorized and directed to enforce all the provisions of this Code.

(d) Right of entry. Upon presentation of proper credentials the building official or his duly authorized representatives may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this Code.

(e) Board of appeals. The board of appeals as provided in the Building Code and which has been established thereunder is the appellate board to provide for reasonable interpretation of this article. (Ord. No. 759, § 1, 3-19-63)

Sec. 3-22. Definitions and abbreviations.

For the purpose of this Code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as defined in Article Twenty of the Zoning Ordinance. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.
Sec. 3-23. Permits, fees and inspection.

(a) **Permits required.** No sign shall hereafter be erected, re-erected, constructed, altered, or maintained, except as provided by this Code and a permit for the same has been issued by the building official. A separate permit shall be required for each sign. In addition, electrical permits shall be obtained for electric signs.

(b) **Application.** Application for a sign permit shall be made in writing upon forms furnished by the building official. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector. The building official may require the filing of plans and specifications to be prepared and designed by an engineer or architect licensed by the state to practice such.

(c) **Exemption.** The following signs shall not require a sign permit. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this Code or any other law or ordinance regulating the same.

1. The changing of the advertising copy or message on a painted or printed sign only. Except for theater marquees and similar signs specifically designed for the use of replaceable copy, electric signs shall not be included in this exception.

2. Painting, repainting or cleaning of an advertising copy or message thereon shall not be considered an erection or alteration which requires sign permit unless a structural change is made.

3. Real estate signs not exceeding twelve square feet (12 sq. ft.) in area and not to exceed six (6) feet in height, which advertise the sale, rental, or lease of the premises upon which said signs are located and do not interfere with visibility of motor vehicle traffic.

   Professional name plates not exceeding two square feet (2 sq. ft.) in area.

5. Identification signs on apartment houses, boarding or rooming houses or similar uses, not exceeding six square feet (6 sq. ft.) in area.

6. Name plates or signs not exceeding two square feet (2 sq. ft.) in area in the aggregate for residential dwelling units.

7. Bulletin boards not over twelve square feet (12 sq. ft.) in area for public, charitable, or religious institutions when the same are located on the premises of said institutions.
(8) Signs denoting the architect, engineer or contractor when placed upon work under construction and not exceeding twelve square feet (12 sq. ft.) in area.

(9) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or when constructed of bronze or other incombustible materials.

(10) Traffic, informational, or municipal signs designed to give information in the specific interest of the traveling public, legal notices, railroad crossing, danger signs.

(11) Non-advertising warning signs or no trespassing signs on private property posted no closer than one hundred (100) feet apart nor exceeding two square feet (2 sq. ft.) in area per sign.

(12) Non-advertising signs of public utility companies as may be required in their operations in providing services for the health and welfare of the general public, or as required by any law or regulation of the State of California, or any agency thereof.

(13) Non-advertising displays commemorating legal holidays, providing, however that said displays are not detrimental to public health, safety, and general welfare.

(14) Temporary signs as set forth in Article Twenty of the Porterville Zoning Ordinance.

(d) Sign permit fee. A fee for each sign permit shall be paid to the building official as set forth in the schedule below.

The determination of value or valuation under any of the provisions of this Code shall be made by the building official.

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees specified above shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

Fees will be collected based on:

(1) A resolution adopted by the City Council

(2) Electrical permit fee to be taken from Ordinance No. 742. [Codified as § 7-11]
(e) *Plan checking fees.* Where plans and other pertinent information are required in accordance with section 3-23(b), a plan check fee as per a resolution adopted by the City Council shall be paid to the building official.

(f) *Maintenance.* All signs, together with all of their supports, braces, guys, and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

(g) *Inspections.* All signs for which a permit is required shall be subject to inspection by the building official.

- Footing inspections will be required for all ground signs.
- Electric signs shall be inspected before erection.
- The building official may order the removal of any sign that is not maintained in accordance with provisions of subsection (f) of this section.
- All signs may be re-inspected at the discretion of the building official. (Ord. No. 759, § 3, 3-19-63; Ord. No. 1537, § 15, 8-6-96)

**Sec. 3-24. Design and Construction.**

**DESIGN**

(a) *General.* Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements thereof.

The overturning moment produced from lateral force shall be transmitted through the ground in such manner as not to overstress any of the elements thereof.

The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(b) *Wind loads.* For the purpose of design, and except for roof signs and combination signs, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than fifteen (15) pounds per square foot for those portions less than sixty (60) feet above the ground, and at not less than
twenty (20) pounds per square foot for those portions more than sixty (60) feet above the ground.

Wind pressure upon roof signs and combination signs and their support shall be taken at not less than thirty (30) pounds per square foot of the gross area of the plane surface, acting in any direction. In calculating wind pressure on curved surfaces such as cylindrical or spherical signs or sign structures, this pressure shall be assumed to act on six-tenths (6/10ths) of the projected area. In all open frame signs or sign structures the area used in computing wind pressure shall be one and one-half (1 1/2) times the net area of the framing members exposed to the wind.

(c) **Seismic loads.** Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the Building Code.

(d) **Combined load.** Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

(e) **Allowable stresses.** The design of wood, concrete, or steel members shall conform to the requirements of the Building Code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the Building Code. The working stresses for wind or seismic loads combined with dead loads may be increased as specified in the Building Code.

**CONSTRUCTION**

(f) **General.** The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.

(g) **Material.** Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the Building Code. Anchors and supports when of wood are embedded in the soil, or within six (6) inches of the soil, shall be of all heartwood of a durable specie or shall be pressure-treated with an approved preservative. Such members shall be marked or branded by an approved agency.

(h) **Restrictions on combustible materials.** Ground signs may be constructed of any material meeting the requirements of this Code, except as provided above. Combination signs, wall signs, projecting signs, and signs on marquees shall be constructed of incombustible materials, except as provided in subsection (i) of this section. No combustible materials other than approved plastic materials shall be used in the construction of electric signs.

(i) **Nonstructural trim.** Nonstructural trim may be of wood, metal, approved plastics, or any combination thereof.
(j) Anchorage. Members supporting un-braced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate to resist the wind pressure specified in subdivision (b) of this section.

Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

No wooden block or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

No anchor or support of any sign shall be connected to, or supported by, a parapet wall, unless such wall is designed in accordance with the requirements specified in the Building Code for parapet walls.

(k) Display surfaces. Display surfaces in all types of signs may be made of metal, glass or approved plastics, in accordance with the area limitations set forth in Tables No. 4-A and No. 4-B of this article [See § 3-25].

(l) Restrictions as to zoning regulations. All signs shall comply with zoning regulation ordinances of the City of Porterville.

(m) Clearance from electric power lines. No permit for any sign shall be issued and no sign shall be constructed, installed, or erected which has less horizontal or vertical clearance from energized electrical power lines than prescribed by the California Penal Code, Section 385, the regulations of the California Public Utility Commission, and the Orders of Division of Industrial Safety, State of California. (Ord. No. 759, § 4, 3-19-63)

Sec. 3-25. Ground signs.

(a) General. Ground signs may be constructed of any material meeting the requirements of this Code, except as provided in Section 3-24(h).

(b) Design. Ground signs shall be designed in accordance with the requirements specified in Section 3-24.
(c) *Projection.* Ground signs shall not project over public property or beyond a building line. For projection of combination signs, see Section 3-23.

**Table 4-A**

<table>
<thead>
<tr>
<th>AREA OF FACING OR DISPLAY SURFACE</th>
<th>AREA OCCUPIED OR COVERED BY APPROVED PLASTIC MATERIALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 square feet or less</td>
<td>100% of display surface area</td>
</tr>
<tr>
<td>Over 100 square feet, but less than 2,000 square feet</td>
<td>100 square feet plus 25% of the difference between 100 sq. ft. and the area of the display surface</td>
</tr>
<tr>
<td>Over 2,000 square feet</td>
<td>Not over 575 square feet</td>
</tr>
</tbody>
</table>

**Table 4-B**

<table>
<thead>
<tr>
<th>MAXIMUM SIZE OF EXPOSED GLASS PANEL</th>
<th>MINIMUM THICKNESS OF GLASS IN INCHES</th>
<th>TYPE OF GLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANY DIMENSION IN INCHES</td>
<td>AREA IN SQUARE INCHES</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>500</td>
<td>Plain, Plate, or Wired</td>
</tr>
<tr>
<td>45</td>
<td>700</td>
<td>Plain, Plate, or Wired</td>
</tr>
<tr>
<td>144</td>
<td>3,600</td>
<td>Plain, Plate, or Wired</td>
</tr>
<tr>
<td>Over 144</td>
<td>Over 3,600</td>
<td>Wired</td>
</tr>
</tbody>
</table>

**Sec. 3-26.** Wall signs.

(a) *General.* Wall signs shall be constructed of incombustible materials, except as provided in Section 3-24 (i).

(b) *Design.* Wall signs shall be designed in accordance with the requirements specified in Section 3-24.
(c) **Projection.** No wall sign shall have a projection over public property or beyond a building line greater than the distances set forth in Figure No. 1, nor shall extend above any adjacent parapet or roof of the supporting building. No sign or sign structure shall project into any public alley whatsoever, below a height of fourteen (14) feet above grade, nor more than six (6) inches when over fourteen (14) feet. (Ord. No. 759, § 7, 3-19-63)

**Editor's note—**Figure No. 1 is not set out but is on file in the city clerk's office.

**Sec. 3-27. Projecting signs.**

(a) **General.** Projecting signs shall be constructed of incombustible materials, except as specified in section 3-24(i).

(b) **Design.** Projecting signs shall be designed in accordance with the requirements specified in section 3-24.

(c) In any residentially zoned district, with the exception of newspaper and mail receptacles, no sign or advertising structure shall extend or project over any public sidewalk, street, alley, or other public property unless exempted under Section 2006, paragraph 8 of this article.

(d) Signs or advertising structures projecting more than six (6) inches from the face of a building, or any other supporting structure, over travel ways or walkways on private property used or intended to be used by the general public, shall have a minimum clearance of eight (8) feet above the pavement or finished grade.

(e) Signs or advertising structures projecting not more than six (6) inches from the face of a building or any other supporting structure, over a public sidewalk or any other public property, shall have a minimum clearance of eight (8) feet above the pavement or finished grade.

(f) Signs or advertising structures projecting more than six inches from the face of a building or any other supporting structure shall have a minimum clearance of ten feet above the pavement or finished grade.

(g) No sign or advertising structure shall exceed a horizontal dimension of more than thirty inches when projecting from the face of any building or any other supporting structure, whether privately or publicly owned. When the sign projects over a public sidewalk or any other public property, and is suspended from or supported by a rod, anchor, or other hardware, the overall horizontal dimension may not exceed thirty-six inches. When the sign projects over a public sidewalk or any other public property, and when said sign is placed on or suspended from an awning, canopy, or marquee, the overall horizontal dimension must not exceed forty-eight inches.

(h) No sign or advertising structure shall project into any public alley below a height of eight (8) feet, nor more than eight (8) inches when over eight (8) feet.
(i) Signs or advertising structures in any residential, P-O, and C-1 zoned districts may not be attached to a building in such a manner that any portion of same extends above the roofline of the building to which it is attached.

(j) Clearance. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance.

Signs shall be so located as to maintain all required clearances from overhead power and service lines.

Sec. 3-28. Combination signs.

(a) General. Combination signs shall be constructed of incombustible materials except as provided in section 3-24 (i).

(b) Design. All supports of combination signs shall be placed in or upon private property and shall be securely built, constructed and erected to conform with the requirements specified in section 3-24.

(c) Projection. Combination signs may project over public property or beyond a building line as set forth in Figure No. 1.

The individual requirements of roof, projecting and ground signs shall be applied for combination signs incorporating any or all of the aforesaid features.

Sec. 3-29. Marquees.

(a) General. Signs may be placed on, attached to, or constructed in a marquee. Such signs shall, for the purpose of determining projection clearance, height and material, be considered a part of and shall meet the requirement for a marquee as specified in the Uniform Building Code. (Ord. No. 759, § 10, 3-19-63)

Sec. 3-30. Electric signs.

(a) General. Electric signs shall be constructed of incombustible materials, except as provided in section 3-24(h). The enclosed shell of electric signs shall be watertight, excepting that service holes fitted with covers shall be provided into each compartment of such signs.

(b) Installation. Electric equipment used in connection with display sign shall be installed in accordance with local ordinances regulating electrical installations.
(c) **Erector’s name.** Every electric sign projecting over any street or alley or public place shall have painted on the surface of the sign the name of the sign erector and date of erection. Such name and date shall be of sufficient size and contrast to be readable from a reasonable distance. Failure to provide such name and date shall be grounds for rejection of the sign by the building official. (Ord. No. 759, § 11, 3-19-63)

**Sec. 3-31. Temporary signs and banners.**

Refer to Ordinance No. 727 [Codified as Article I of this chapter], and Article Twenty of the Zoning Ordinance, which shall apply. (Ord. No. 759, § 12, 3-19-63)

**Sec. 3-32. Violation and penalties.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the city or cause or permit the same to be done contrary to or in violation of any of the provisions of this Code.

Any person, firm, or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. (Ord. No. 759, § 13, 3-19-63)

Municipal Code Appendix A – Zoning Ordinance is amended to read as follows:

**ARTICLE TWENTY - SIGNS AND ADVERTISING STRUCTURES**

**SECTION 2000: Definitions of Words, Phrases, and Terms Contained in this Article.**

**Advertising Area:** Shall mean the total square foot area of all sign facings (except double face signs which shall be computed as one face), calculated by adding the outer dimensions of all faces capable of presenting a sign message including the border and/or frame. The area of a sign without a border placed on the wall of a building shall be computed by enclosing the entire sign within sets of parallel lines touching the outer limits of the sign message and computing the area thus enclosed.

**Advertising Structure:** Shall mean a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing or other advertisement of any kind whatsoever may be placed, including statuary, for the purpose of advertising the business or activity on the premises, but shall not include official notices issued by any court or public body or officer, notices posted by any public
officer in the performance of a public duty or by any person in giving legal notice; directional, warning or information structures required or authorized by law or by federal, state, or county authority.

Approved plastic material: Shall mean a plastic material which the building official has found to be suitable functionally for the purpose for which it is offered; which conforms to the Uniform Building Standards edition as set forth in this section. (Also “Plastic Material”)

Balloon display: Shall mean an arrangement of one (1) or more balloons, with or without any message thereon, which are individually less than thirty-six (36) inches in any dimension and inflated with air, helium, or gas, that are tethered at a fixed location and are primarily intended to draw attention to that location. Balloon displays shall not include balloons arranged in a manner that cumulatively spell out a word.

Banner: Shall mean a sign made of cloth, heavy duty plastic, or similar lightweight, flexible material (except paper), attached to or suspended from any structure, building, staff, pole, line, framing, or other projection, and used for temporary advertising purposes, not including “flags”.

Building Line: Shall mean a line established by ordinance beyond which no building may extend. A building line may be a property line.

Building Official: Shall mean the duly appointed and acting Chief Building Inspector of the City of Porterville, his duly authorized representatives or such person as may hereafter be authorized by law to perform the duties now being performed by that official in the City of Porterville.

Business Face: Shall mean either but not both of the following for any business or building:

1) That portion or portions of a building or tenant space within a building which faces a public street; OR

2) That portion or portions of a building or tenant space within a building which contains an entrance open to the public and which faces a parking area available to customers or clients of any business within the building.

Business Face Area: Shall mean the computed lineal width of a building face multiplied by the height extending from finished grade to the top of the vertical wall of the business face.

Combination sign: Shall mean any sign incorporating any combination of the features of ground, projecting and roof signs.
Curb Line: Shall mean the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the City Engineer.

Display Frontage: Shall mean the lineal footage of display frontage for those businesses where the principal display of merchandise is located outside of a main building.

Display Surface: Shall mean the area made available by the sign structure for the purpose of displaying the advertising message.

Flag: Shall mean any fabric or bunting containing distinctive colors, patterns, symbols, or logos of a government agency, political subdivision, corporation, church, or other entity.

Freeway: Shall mean a highway with respect to which the owners of abutting lands have no right of easement or access to or from their abutting lands, or in respect to which such owners have only limited or restricted easement or access, and which is declared to be in compliance with the Streets and Highways Code of the State of California.

Hand-held Sign: Shall mean a commercial sign held by a person or persons in a manner to attract attention to an area, development, business, or service.

Highway: Shall mean roads, streets, boulevards, lanes, courts, places, commons, trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or of vehicles and persons.

Incombustible material: Shall mean any material which will not ignite at, or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit during an exposure of given minutes, and which will not continue to burn or glow at that temperature. Tests shall be made as specified in the Building Code.

Integrated Business Development: Shall mean a development consisting of five or more interrelated business establishments using common driveways and on-site parking facilities.

Marquee: Shall mean a permanent roofed structure attached to and supported by a building and projecting over public property.

Nonstructural trim: Shall mean the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

Open Uses: Shall mean those uses that do not have to be associated with buildings or structures for the carrying on of their trade, service or activity, such as, but not limited to, automobile sales, contractors storage yards, and equipment rental yards.
Pennant: Shall mean any lightweight plastic, paper, fabric, or other similar, flexible material, suspended from or attached to a rope, wire, string, or pole, usually in a series, designed to move in the wind.

Primary Highway: Shall mean any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the Director of the Department of Public Works of the State of California and approved by appropriate authority of the federal government.

Roof: Shall mean the cover of any building or part of a building including patio, porch and awning covers.

Roofline: Shall mean the height above finished grade of the upper most beam, rafter, ridge board, or purlin of any building.

Sign: Shall mean and include every announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained in view of the general public for identification, advertisement or promotion of the interests of any individual, organization, or business.

Sign, A-Frame: Shall mean an unanchored freestanding sign, usually hinged at the top and widening at the bottom to form a shape similar to the letter “A.”

Sign, Business Identification: Shall mean any sign installed or maintained for the purpose of identifying a bona fide business, use, service, product, commodity, and interest or entertainment being conducted upon the premises on which the sign is located.

Sign, Center Identification: Shall mean a free standing advertising structure which supports a sign containing the name identifying an integrated business development and may also include identification signs on which the names and nature of businesses only within the development are uniformly displayed.

Sign, Double Face: Shall mean a single sign with two parallel sign faces back-to-back.

Sign, Electric: Shall mean any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

Sign, Energized: Shall mean any sign or advertising structure energized from any source for the purpose of illumination or sustaining motion.

Sign, Facing or Surface: Shall mean the surface of the sign upon, against or through which the message is displayed or illustrated on the sign, excepting signs in which the words, letters, or symbols are independently mounted, then the sign surfaces shall mean the outside dimensions of the area containing all of the individual words, letter, and symbols.
**Sign, Ground:** Shall mean a sign which is supported by one or more uprights, poles, or braces in or upon the ground other than a combination sign as defined by this Code.

**Sign Height:** The height of signs shall be measured from ground level (finished grade) to the top of the sign.

**Sign, Inflatable:** Shall mean an inflated balloon, in any shape or in the form of any character or animal, and over thirty-six (36) inches in diameter in any dimension, made of vinyl, fabric, cloth, or other similar, lightweight, flexible, material, primarily intended to draw attention to that location.

**Sign, Non-Advertising:** Shall mean any sign posted on private property containing thereon a regulatory or warning notice and upon which no advertising matter is displayed.

**Sign, Non-appurtenant:** Shall mean any sign which advertises or directs attention to a use, service, product, commodity, an interest, or entertainment, which is not conducted, available, sold or offered on the same premises.

**Sign, Permanent Reader Panel:** Shall mean a permanently constructed changeable copy bulletin board lighted or unlighted, attached to a building or freestanding advertising structure, with detachable precut letters and figures.

**Signs, Political:** Shall mean any sign concerning candidates for political office, propositions involving a ballot issue, or promotional campaigns.

**Sign, Portable:** Shall mean a temporary sign which is not permanently affixed to a secured or attached to an approved structure, support or anchor, and is capable of being carried or readily moved from one location to another. This may include, but is not limited to A-Frame Signs, sandwich signs, or signs that lean on a stationary object, building, or structure. Portable signs shall not include banners, pennants, flags, inflatable signs, vehicle signs, and hand-held signs.

**Sign, Projecting:** Shall mean any sign which is attached to, and is supported solely by a building wall or structure and extends beyond the building wall, structure, or parts thereof, more than six (6) inches and whose angle of incidence to said building wall, structure or parts thereof, is greater than thirty degrees.

**Sign, Roof:** Shall mean a sign attached to a building that is characterized by one or more of the following:

- Sign is placed atop, or projects above the top edge of a roof, mansard roof, canopy, or a similar structure not at a vertical plane; or

- Sign is placed atop, or projects above the top edge of a parapet wall, canopy fascia, or a similar structure at or near a vertical plane; or
• Sign is placed on a tower or similar wall structure that extends above the top of the roof or parapet wall of a building.

Sign structure: Shall mean the supports, uprights, braces and framework of the sign.

Sign, Temporary: Shall mean sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames; intended to be displayed for a limited period of time only.

Sign, Wall: Shall mean all flat signs, whether painted, or of solid face construction or of individual letters, which are placed against the exterior wall of any building or structure.

Sign, Window: Shall mean any sign that is applied, painted, or attached to a window or located within two (2) feet of the interior of a window and visible from the exterior of a building.

Street: Shall mean the same as "Highway".

Structure: Shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.

Uniform Building Code (U.B.C.): Whenever the U.B.C. is referred to in this Chapter it shall be that building code and appendices thereto which have been adopted by Ordinance and are in full force and effect at the time of compliance with, or enforcement of, any provisions of this Chapter.

U.B.C. Standards: Wherever the U.B.C. Standards are referred to in this Chapter it shall be that edition of the building code Standards or appendixes thereto which have been adopted by Ordinance and are in full force and effect at the time of compliance with, or enforcement of, any provisions of this Chapter.

SECTION 2001: Continuation of Existing Regulations.

A. The provisions of this Article, insofar as they are substantially the same as existing ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

SECTION 2002: Purpose and Intent.

A. Recognizing the desire and need of each individual, business, firm or corporation to identify its place of residence, business or service, and realizing that the indiscriminate erection, location, illumination, coloring, size, and lack of proper maintenance of signs and advertising structures, constitutes a significant contributing factor detrimental to the well-being and continuing activity of a city's people and economy, it is the purpose and intent of this article to:
1. Assure that all signs and advertising structures are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality, and do not impair the view of nearby or adjacent signs.

2. Prohibit the installation and maintenance of signs or advertising structures which unduly distract motorists' attention from driving, and which detract from attention to traffic movement and to signs and signals promoting traffic safety.

3. Prevent the installation and maintenance of signs or advertising structures which individually or collectively have an injurious effect on the morale of the people and the economic well-being of the City.

4. Assure that size and location of signs and advertising structures do not constitute an obstacle to effective fire protection and fire fighting techniques; nor constitute a direct or potential danger to vehicular or pedestrian traffic, especially in the event of structural failure during the period of inclement weather and earthquakes or in the event of impaired vision due to improper size or location.

5. Otherwise protect the public health, safety, morale, and promote the public welfare.

SECTION 2003: Sign Permit.

A. It shall be unlawful for any person to construct, install, structurally alter, or relocate within the City of Porterville any sign or advertising structure without first satisfying the requirement of this Article and obtaining a sign permit as required by Chapter 3, Article IV of the Municipal Code, except as described in Section 2006.


A. Upon the filing of an application for a sign permit, the plans, specifications and other data, as may be required, shall be examined by the Community Development Director or his designee, and the Chief Building Official, and if it shall appear that the proposed sign or advertising structure is in compliance and all of the requirements of this ordinance and all other laws of the City, the Community Development Director or his designee shall certify compliance on the plans, and the Chief Building Official shall issue the necessary sign permit.
SECTION 2005: Stop Orders.

A. The issuance of a sign permit shall not constitute a waiver of this Article or any ordinance of the City of Porterville, and the Building Inspector is hereby authorized to stop any sign or advertising structure installations which are being carried on in violation of this ordinance, or of any other ordinance of the City of Porterville.

SECTION 2006: Exceptions and Exemptions.

A. The provisions and regulations of this Article shall not apply to certain classes of signs and advertising structures which are designated in the following subsections; provided, however, that such signs shall be subject to the provisions of Sections 2007 through 2014:

1. Real estate signs not exceeding twelve (12) square feet in area per face or eight (8) feet in height pertaining to the sale or rental of the property on which they are displayed, but not more than one such sign for each street frontage, excepting that all such signs located in any "R" Zone shall not exceed six (6) square feet in area per face or four (4) feet in height.

2. Professional name plates and occupational signs denoting only the name and occupation of any occupant in a commercial building or public institutional building, and not exceeding two (2) square feet in area.

3. Identification signs on apartment houses, boarding or rooming houses or similar uses, not exceeding six (6) square feet in area.

4. Name plates or signs not exceeding two (2) square feet in area in the aggregate for residential dwelling units.

5. Permanent reader panels for public, charitable, or religious institutions provided said reader panels are located on the property to which such reader panels pertain and do not exceed sixteen (16) square feet in total area per face nor more than ten (10) feet in height, and further provided said reader panels are located in such a manner as not to constitute a hazard to vehicular or pedestrian traffic. Electronic reader boards which otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every 15 seconds shall be permitted.

6. Signs identifying a development and denoting the architect, engineer or contractor when placed upon work under construction, provided, however, that no such sign shall exceed thirty-two (32) square feet in area.
7. Memorial and/or historical signs or tablets, names of buildings or date of building construction, when constructed of bronze or other incombustible materials or cut into any masonry surface.

8. Traffic, informational, or municipal signs designed to give information in the specific interest of the traveling public, legal notices, railroad crossing, danger signs.

9. Non-advertising warning signs or no trespassing signs on private property posted no closer than one hundred (100) feet apart nor exceeding two (2) square feet in area per sign.

10. Non-advertising signs of public utility companies as may be required in their operations in providing services for the health and welfare of the general public, or as required by any law or regulation of the State of California or any agency thereof.

11. On-site directional signs for public or private developments, denoting the entrance, exit, and direction of traffic flow and not exceeding four (4) square feet in area per face, provided such signs are not prohibited or further regulated by other sections of this or any other ordinance of the City of Porterville.

12. Non-advertising displays commemorating legal holidays, hours of operation, opened or closed, etc, providing, however, that said displays are not detrimental to public health, safety, and general welfare.

13. Temporary signs noting businesses which sponsor and contribute to the sports activities upon public premises, subject to the provision of Section 2012 contained herein. For the purposes of interpretation of Section 2012, the "event" shall also mean all sports/recreational activities, and the "date of the event" shall be construed to be the first and/or last game or event of the respective season of that activity.

14. Signs required by State or Federal law.

15. Pennants and balloon displays at outdoor display areas which otherwise comply with the zone in which they are located.

16. Flags, up to three (3) per site.

SECTION 2007: Non-Conforming Signs

A. Non-appurtenant signs or supporting advertising structures which do not conform to this article, but which lawfully existed and were maintained on the effective
date of this article shall, within three (3) years after the effective date of this article, be removed or made to conform.

B. Non-conforming signs advertising a business which has been vacated for a period of one hundred-eighty (180) days shall be removed or made to conform by the property owner.

C. Window signs which do not conform to this article, but which lawfully existed and were maintained on the effective date of this article or any amendments thereto, shall, within one (1) year after the effective date of this article, or any amendments, be removed or made to conform.

D. Temporary Signs which do not conform to this article, but which lawfully existed and were maintained on the effective date of this article or any amendments thereto, shall, within sixty (60) days after the effective date of this article, or any amendments, be removed or shall be made to conform.

E. All other non-conforming signs and advertising devices shall, be regulated as nonconforming uses pursuant to Article Twenty-Five of this Ordinance.

SECTION 2008: Traffic Hazards

A. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Nor shall such sign or advertising structure make use of any word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

SECTION 2009: Compliance with Federal and State Regulations.

A. Nothing contained in this Article shall be construed to exempt compliance with applicable outdoor advertising regulations of any federal or state agency having authority over the control of signs and advertising structures within such jurisdictions as may be designated adjacent to and along any Freeway, Highway, Interstate Highway, or Primary Highway.

B. If at any time a regulation or a provision of this Article conflicts with a similar regulation or a provision of another governmental agency, the more restrictive application shall apply unless noted otherwise.

SECTION 2010: Prohibited Signs and Advertising Structures.

A. Any sign or advertising structure that is rotating, animated, simulates movement, or contains any moving parts, shall not permitted.
B. Any energized sign or advertising structure containing flashing lights, including signs or advertising structures with lights flashing in sequence to simulate movement shall not be permitted. Electronic reader boards which otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every 15 seconds shall be permitted.

C. No signs or sources of illumination shall be permitted in any zoned district if in the opinion of the Community Development Director, or his designee, they impose a glare upon any street, alley, driveway, parking area, adjacent property, or into the eyes of any motorist or pedestrian.

D. Non-appurtenant signs shall not be permitted in any zoned district.

E. Advertising structures containing display surface areas or image areas in excess of the maximum square footage permitted for allowable signing within the zoned districts in which they are located or are intended to be located, shall not be permitted.

F. No portable signs shall be permitted in any zoned district with the exception of those temporary advertising devices listed in Sections 2019 and Section 2020, below.

G. Roof signs shall not be permitted in any zoned district.

SECTION 2011: Temporary Real Estate Subdivision Signs.

A. Two temporary real estate subdivision signs, each face not to exceed one-hundred (100) square feet in area, and not to exceed 10 feet in height, may be located on any new subdivision zone; provided, that such signs and advertising structures shall be removed twenty-four (24) months from the date the permit for same is issued, or when the subdivision is completely sold out, whichever comes first, and further provided that:

1. Plans, indicating the size, design, location and sign copy shall be submitted to the Community Development Director, or his designee, and the Building Official for approval prior to the issuance of a sign permit by the Building Official.

2. Any change in sign copy or advertising structure must be resubmitted for approval.

3. Not more than one (1) such sign shall be permitted to be displayed adjacent to the same street frontage.
4. A Letter of Agreement from the property owners giving the City right of entry to remove signs in the event the above stipulations are not complied with shall be submitted to the Planning Division prior to the issuance of a sign permit.

5. If at any time the property on which the signs are located is sold, the signs shall be removed or a new Letter of Agreement shall be submitted from the buyer to permit the sign to remain and granting the City right to enter the property and remove the sign.

B. Three (3) temporary off-site directional real estate subdivision signs and advertising structures for each subdivision may be located in any zone, subject to the approval of a Conditional Use Permit provided that:

1. Said signs shall not exceed thirty-two (32) square feet in area per face and not exceed 8’ in height.

2. Said signs and advertising structures shall be removed twenty-four (24) months from the date the permit for same is issued, or when the subdivision is completely sold out, whichever comes first.

C. Failure to comply with any or all of the applicable provisions as set forth in this Section shall be cause for the immediate removal of the signs and/or advertising structures.

SECTION 2012: Promotional, Campaign, and Political Signs.

A. Temporary promotional, campaign and political signs are permitted on private property in any zoned district and within the public right-of-way providing that:

1. The individual in charge of posting said signs files with the City Clerk his/her name, address and telephone number and receives a copy of Sections 2012 and 2014 of the Zoning Ordinance.

2. Any such sign on a residentially zoned property with frontage on an Arterial or Collector Street as designated by the Circulation Element of the General Plan shall be no greater than twelve and one-half (12.5) square feet in area. Signs on residentially zoned property not fronting an Arterial or Collector Street shall be limited to a maximum of four (4) square feet in area.

3. Any such sign exceeding thirty-two (32) square feet in area shall require approval of a use permit in conformance with Article 29 contained within this ordinance.
4. No such sign shall be posted within public right-of-way in residentially zoned districts except along Arterial streets and Collector Streets as designated in the Circulation Element of the General Plan. Such signs in the public right-of-way shall be limited to a maximum of four (4) square feet in area.

5. No such sign shall be located so as to constitute a hazard to vehicular and pedestrian traffic.

6. No such sign in the City right-of-way shall be attached to any pole or structure supporting a traffic control sign or device, street tree or fire hydrant.

7. No such sign shall be placed in the roadway or on the sidewalk.

8. No such signs shall be posted more than ninety (90) days preceding the date of the event or election to which the signs pertain.

9. All such signs shall be removed within fifteen (15) days following the date of the event or election to which the signs pertain.

10. No such sign shall be placed in the public right-of-way abutting any public property including park lands nor within City maintained landscaped parkways within public right-of-way.

B. Violation to any of the above regulatory conditions shall be deemed a public nuisance and may be summarily abated as such; and each day that such violation continues shall be regarded as a new and separate offense.

SECTION 2013: Quality and Maintenance of Signs.

A. Quality

1. All signs are to be reviewed by the Community Development Director or his designee and the Chief Building Official prior to issuance of a sign permit. Signs must have finished edges with a clean, smooth, consistent surface. Lettering on the sign is to be of complementary size and font and either carved, routed, painted or applied. If such lettering or design on the sign is painted, it shall exemplify the work as if performed by a qualified professional, expert designer, or proficient individual who specializes in quality workmanship.
2. Colors and materials used for the sign must be compatible with the associated building design. Signs must be architecturally compatible with affected structures and the character of the surrounding development.

3. Wall signs should be oriented to achieve balanced composition and harmony with other architectural elements of a building façade.

4. Sandwich-board signs, effective for certain types of uses, such as markets, restaurants or bakeries that have changing specials and menus, may be exempt to the lettering requirement stated above, when utilizing a re-writable surface, such as a chalk board or dry-erase board, as the interior surface of the sign.

5. Window Signs, applied to windows or oriented for visibility thru the window, should be no greater than 50% coverage of the window, and no greater than 15% of signage allowed per business face. Such signage should be applied to the inside of the window but in such a manner as to allow visibility outside the building as well as achieve a balanced composition and harmony with other architectural elements of the building façade.

A. Maintenance

1. All signs, including those exempt under this chapter, and legal nonconforming signs shall be structurally safe, maintained and kept in good condition. The display surface of all signs shall be kept clean, neatly painted, and free from rust, corrosion and/or tears. Any crack, broken surface, malfunctioning lights, missing sign copy or other un-maintained or damaged portion of a sign shall be repaired or replaced. Signs, and all parts, portions, and materials shall be erected in compliance with all applicable federal, state, and city laws and regulations.

2. When signs are removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall.

3. Abandoned Signs: Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of 60 days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located.

SECTION 2014: Advertising on Public Property.

A. No person, except a "public officer" or "City employee" in the performance of his duty shall paste, post, paint, or erect any flag, pennant, sign, banner, or notice of any kind or cause the same to be done upon public property, street, bridge, or
sidewalk within the City of Porterville and no person shall attach any item to private utility company poles without prior written approval from the utility company to which the poles belong.

B. Exceptions:

1. Signs affixed to or painted on temporary construction or fences located within the public right-of-way during construction and only to advertise the architect, construction company or future development, provided that no sign shall exceed thirty-two (32) square feet in area and shall be neatly painted.

2. Non-advertising displays commemorating legal holidays or special events when authorized by the City Council.

3. Signs permitted by Section 2006(A) 13 and Section 2012 contained herein.

SECTION 2015: Projection of Signs and Advertising Structures.

A. In any residentially zoned district, with the exception of newspaper and mail receptacles, no sign or advertising structure shall extend or project over any public sidewalk, street, alley, or other public property unless exempted under Section 2006(A) 8 of this article.

B. Signs or advertising structures projecting more than six (6) inches from the face of a building, or any other supporting structure, over travelways or walkways on private property used or intended to be used by the general public, shall have a minimum clearance of eight (8) feet above the pavement or finished grade. Such signs may not project greater than eighteen (18) inches.

C. Signs or advertising structures projecting not more than six (6) inches from the face of a building or any other supporting structure, over a public sidewalk or any other public property, shall have a minimum clearance of eight (8) feet above the pavement or finished grade.

D. Signs or advertising structures projecting more than six (6) inches from the face of a building or any other supporting structure, over a public sidewalk or any other public property, shall have a minimum clearance of ten (10) feet above the pavement or finished grade.

E. No sign or advertising structure shall exceed a horizontal dimension of more than thirty (30) inches when projecting from the face of any building or any other supporting structure, whether privately or publicly owned. When the sign projects over a public sidewalk or any other public property, and is suspended from or supported by a rod, anchor, or other hardware, the overall horizontal
dimension may not exceed thirty-six (36) inches. When the sign projects over a public sidewalk or any other public property, and when said sign is placed on or suspended from an awning, canopy, or marquee, the overall horizontal dimension must not exceed a length of forty-eight (48) inches.

F. No sign or advertising structure shall project into any public alley below a height of eight (8) feet, nor more than eight (8) inches when over eight (8) feet.

G. Signs or advertising structures in any residential, P-O, and C-1 zoned districts may not be attached to a building in such a manner that any portion of same extends above the roofline of the building to which it is attached.

H. A-Frame Signs: Within the Business Improvement Area, as defined in Section 5032 of the City Code, such signs may encroach into the right of way up to 2 feet from the property line if, once the sign is in place, there remains an eight (8) foot wide walkable area. Such sign is to be removed during non-operational hours and the sign shall be oriented so it is clearly visible to pedestrians.

SECTION 2016: Clearance of Signs and Advertising Structures.

A. No permit for any sign or advertising structure shall be issued nor shall same be constructed, installed, or erected which has less horizontal or vertical clearance from energized electrical power lines than prescribed by the California Public Utility Commission, or the Orders of the Division of Industrial Safety, State of California.

B. No sign or advertising structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe.

C. No sign or advertising structure shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance.

D. That free standing signs or advertising structures having a minimum clearance of less than eight (8) feet from finished grade shall not be located within pedestrian or vehicular walkways or travelways. Such signs shall be subject to the setback requirements applicable to buildings in the zoning district where located, unless stated otherwise in this article.

SECTION 2017: Abatement of Illegal Signs.

A. Signs on City Property and Rights-of-way: The Community Development Director, or his designee, may immediately remove any sign located on city property and/or public rights of way which are in violation of this article or which
constitute an immediate danger as a traffic or safety hazard as determined by the City Engineer.

B. Permanent or Temporary Commercial Signs and Permanent Noncommercial signs on Private Property:

1. The Zoning Administrator may require any permanent or temporary commercial sign or permanent noncommercial sign installed, constructed, maintained, or relocated on private property in violation of this article, or otherwise constituting a public nuisance, to be removed within thirty (30) days after providing a written notice to the owner of the sign, if known, and to the owner of the property.

2. Such notice shall state the location of the sign, the nature of the violation, and/or the manner in which the sign constitutes a public nuisance. The notice also shall require the removal or other abatement of the sign before the date specified in the notice. Further, the notice shall state that failure to comply may result in the removal of the sign by the City of Porterville and that the cost of such removal may be imposed on the owner of the property. The notice shall also include instructions for the filing of an appeal, Pursuant to Article 30 of this Ordinance, of the determination of the Zoning Administrator that the sign is in violation of this article or constitutes a public nuisance.

3. If an appeal is received prior to the date specified in the notice, abatement proceedings shall be suspended, and any deadlines shall be suspended, pending the outcome of such appeal.

4. Notices referred to in this section shall be served by posting on the property on which the sign is located and by registered or certified mail delivery, postage prepaid to the owner of the property, and, if known, the owner of the sign.

5. If the sign is not removed or otherwise abated by being brought into compliance with this article after any appeals have been resolved and any deadlines have passed, the Zoning Administrator shall cause the removal of the sign at the expense of the owner of the property and the owner of the sign, if known. Expenses shall include any and all administrative costs, court and/or legal fees, including reasonable attorney’s fees, incurred in the abatement and shall become the responsibility of both the owner of the property and the owner of the sign.

SECTION 2018: Signs in Residential Zones.

A. The following signs are permitted in Residential zones in addition to those exempted by Section 2006.
1. One sign per street frontage for each housing development or institutional use, not to exceed twenty (20) square feet in area, nor ten (10) feet in height and containing no advertising matter except the name and street address of the housing development or institutional use.

2. One sign for each church not to exceed twenty (20) square feet in area.

3. Directional subdivision signs in accordance with the provisions of Section 2011 and promotional, campaign, and political signs in accordance with the provisions of Section 2012.

SECTION 2019: Advertising in P-O and C-1 Zones.

A. The following regulations shall apply to all signs and advertising structures in the Professional Office (P-O) zone, and Neighborhood Commercial (C-1) zone.

B. No sign shall be permitted that does not pertain directly to an approved business service or activity conducted on the premises except as provided in Section 2011 and Section 2012, or unless exempted by Section 2006.

C. When an exterior wall of a building faces abutting property in an R Zone, no advertising sign shall be painted or placed on such wall, or on any portion of the lot between said wall and said R Zone.

D. Signs attached to a building shall be mounted parallel to the face of the structure and shall not project more than eighteen (18) inches from the main building or its attached canopy, nor shall such sign exceed the roofline of the building to which it is attached.

E. Business Identification Signs:

1. Not more than two (2) signs shall be permitted for the same business per business face.

2. The total advertising area of all signs shall not exceed 15% of the total business face area except that a minimum of twenty (20) square feet and a maximum of sixty (60) square feet of total advertising area will be permitted for each business face.

3. Except as otherwise prohibited, the total allowed signage may be concentrated or distributed among building walls and free standing signs.

4. No sign affixed to a building shall exceed the height of the roofline of that building.
5. A maximum of one freestanding business identification sign shall be permitted for each business face.
   a. No more than one freestanding sign for any business may face any street.
   b. The area of a single face of any freestanding sign shall be included in the maximum allowed sign area.
   c. The total height above the finished grade at the front property line shall not exceed twenty (20) feet in height.
   d. Freestanding signs shall comply with all requirements relating to location, size, area, projection over public right-of-way, eight, total signage area and/or setbacks contained herein and elsewhere within the Municipal Code.
   e. Freestanding Business Identification signs shall be subject to the setback requirements applicable to buildings in the zoning district where located.

F. Center Identification Signs: One (1) free standing Center Identification sign shall be permitted for integrated developments of five (5) or more separated businesses, providing that:
   1. The total area of said sign shall not exceed forty (40) square feet plus five (5) square feet for each additional business in the center over five up to a maximum area allowed of one-hundred (100) square feet.
   2. Said sign shall not exceed twelve (12) feet in height above the highest finished grade at the front property line.
   3. Notwithstanding Section 2016.D, Center Identification signs, including signs with less than eight (8) feet clearance above finished grade, may be permitted in the front setback area within the P-O zone, provided that no such sign shall be located within a ten (10) foot radius of the corner property lines of a corner lot.

G. Window signs advertising sales, cut rates, weekend specials and similar sales and promotions shall be permitted, provided that such signs shall be limited to covering a maximum of 50% of the area of a window and that such signage is calculated into the total allowable signage of 15% of business face. Window signs that are not painted on to the window surface must meet the intent of Section 2013A and shall only be permitted on the interior side of the building or structure through which they are viewed.
H. Banners, Handheld Signs, Portable Signs and Inflatable Signs: Banners, handheld signs, portable signs, and other similar temporary advertising devices shall be prohibited except for business openings, special events, and promotional events.

1. A Temporary Sign Permit shall be secured prior to the installation or display of any such sign. Issuance of a temporary sign permit may be contingent upon the overall permissible area available for temporary signs within a geographic area as identified in Section 2019 (H) 6. In addition, the application would be reviewed in light of other temporary sign permit applications submitted for the same area, which may put such signs in conflict with Section 2019 (H) 6.

2. A Temporary Sign Permit shall be granted for any one business or building for a period of three calendar months. A Temporary Sign Permit shall authorize the business to display one banner, handheld sign, portable sign or inflatable sign per business face for the duration of the sign permit.

3. No more than one Temporary Sign Permit shall be in effect simultaneously for any business.

4. Each business shall be limited to a maximum of three Temporary Sign Permits in any calendar year. Permits valid in two calendar years shall be counted within the earlier calendar year.

5. Each business shall be limited to a maximum of one Temporary Sign Permit for the purpose of advertising a “Going Out of Business Sale,” or the equivalent in any calendar year.

6. Unless otherwise authorized by a signage plan adopted by the City Council as a component of a Design Overlay Site Review or Planned Development Specific Plan, freestanding Temporary Signs for multiple tenants of any one building, shopping center, office complex, or unified development, shall be separated by a minimum of 100 feet.

7. All banners, regardless of their ratio allowance of signage to building face, shall not exceed 25 sq. ft.

SECTION 2020: Advertising in C-2, C-3, C-H, M-1, M-2, and A-D Zone.

A. The following regulations shall apply to all signs and advertising structures in the C-2, C-3, and C-H Commercial zones, in the M-1 and M-2 Industrial zones, and in the A-D Airport Development zone.

B. No sign shall be permitted that does not pertain directly to an approved business service or activity conducted on the premises except as provided in Section 2011 and Section 2012, or unless exempted by Section 2006.
C. Business Identification Signs:

1. Not more than four (4) signs shall be permitted for the same business per business face.

2. The total advertising area of all signs shall not exceed either:
   
a. Fifteen percent (15%) of the total business face area, or forty (40) square feet, whichever is greater, for businesses conducted primarily within a building, or;

   b. One (1) square foot per linear foot of display frontage up to fifty (50) feet plus one-half (1/2) square foot for each additional linear foot of display frontage to which such signs pertain for businesses conducted primarily outside of a building.

3. No sign affixed to a building shall exceed the height of the roofline of that building.

4. A maximum of one freestanding business identification sign shall be permitted for each business face.
   
a. No more than one freestanding sign for any business may face any street.

   b. The area of a single face of any freestanding sign shall be included in the maximum allowed sign area.

   c. The total height above the finished grade at the front property line shall not exceed thirty (30) feet in height.

   d. Freestanding signs shall comply with all requirements relating to location, size, area, projection over public right-of-way, height, total signage area and/or setbacks contained herein, and elsewhere in the Municipal Code.

   e. Freestanding Business Identification Ground signs shall be subject to the setback requirements applicable to buildings in the zoning district where located.

   f. Signs displayed on awnings, canopies, and marquees shall be subject to all of the regulations as stipulated in this chapter.
g. When an exterior wall of a building faces abutting property in an R zone, no advertising signs shall be painted or placed on such wall, or on any portion of the lot between said wall and said R zone.

h. The total advertising area permitted within this section shall include all business identification signs in the aggregate, visible from the exterior of the business.

D. Center Identification Signs: In addition to the above, one (1) center identification sign per street frontage is allowed for integrated developments of five (5) or more separate businesses, subject to the following:

1. The combined sign area of the center identification sign does not exceed thirty (30) square feet per one hundred (100) lineal feet of the street frontage on which the sign is located, provided, however, that no one sign shall exceed three hundred and twenty (320) square feet per face.

2. No sign is permitted for frontage areas, located adjacent to residentially zoned districts, within a projection of the adjacent residential building setback line.

3. No sign shall exceed twenty (20) feet in height above the highest finished grade of the center at the street right-of-way line.

4. No sign shall be located within twenty (20) feet of the side property lines on interior lots, or in such a manner as to constitute a hazard to pedestrian or vehicular traffic.

E. Window signs advertising sales, cut rates, weekend specials and similar sales and promotions shall be permitted, provided that such signs shall be limited to covering a maximum of 50% of the area of a window. Window signs made of paper, cardboard, or similarly unstable material, shall only be permitted on the interior side of the building or structure through which they are viewed.

F. Banners, Handheld Signs, Portable Signs and Inflatable Signs: Banners, handheld signs, portable signs, and other similar temporary advertising devices shall be prohibited except for business openings, special events, and promotional events.

1. A Temporary Sign Permit shall be secured prior to the installation or display of any such sign. Issuance of a temporary sign permit may be contingent upon the overall permissible area available for temporary signs within a geographic area as identified in Section 2020 (F) 6. In addition, the application would be reviewed in light of other temporary sign permit applications submitted for the same area which may put such signs in conflict with Section 2020 (F) 6.
2. A Temporary Sign Permit shall be granted for any one business or building for a period of three calendar months. A Temporary Sign Permit shall authorize the business to display one banner, handheld sign, portable sign or inflatable sign per business frontage for the duration of the sign permit.

3. No more than one Temporary Sign Permit shall be in effect simultaneously for any business.

4. Each business shall be limited to a maximum of three Temporary Sign Permits in any calendar year. Permits valid in two calendar years shall be counted within the earlier calendar year.

5. Each business shall be limited to a maximum of one Temporary Sign Permit for the purpose of advertising a “Going Out of Business Sale,” or the equivalent in any calendar year.

6. Unless otherwise authorized by a signage plan adopted by the City Council as a component of a Design Overlay Site Review or Planned Development Specific Plan, freestanding Temporary Signs for multiple tenants of any one building, shopping center, office complex, or unified development, facing a common street frontage shall be separated by a minimum of 100 feet.

7. All banners, regardless of their ratio allowance of signage to building face, shall not exceed 25 sq. ft.

SECTION 2021: Advertising in the P-D and O-A Zones.

A. The following regulations shall apply to all signs and advertising structures in the Planned Development (P-D), and Open Area (O-A) zones.

1. No sign shall be permitted that does not pertain directly to an approved business, service, or activity conducted on the premises except as may be provided in Section 2011 and Section 2012 or unless exempted by Section 2006.

2. All signs and advertising structures shall conform to a uniform sign program approved by the City Council in accordance with the Conditional Use Permit provisions of Article 29 contained within this Ordinance.
This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED APPROVED AND ADOPTED this ___ day of November, 2006.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Georgia Hawley, Deputy
RECOMMENDATION: That the City Council:

1. Approve the proposed Ordinance Amendment and give first reading to the draft ordinance; and

2. Waive further reading of the draft ordinance, approve Ordinance Amendment 2006-07 and order to print.

2. Proposed Sign Ordinance Amendment Exhibit
Municipal Code - Chapter 3: ADVERTISING AND SIGNS

ARTICLE I. IN GENERAL

No changes are proposed to this article.

ARTICLE II. HANDBILLS, ADVERTISING CIRCULARS, ETC.

No changes are proposed to this article.

ARTICLE III. SOUND TRUCKS AND SOUND AMPLIFYING EQUIPMENT

No changes are proposed to this article.

ARTICLE IV. SIGNS

Sec. 3-21. Title, scope and enforcement.

(a) Title. This article shall be known as the “Uniform Sign Code,” may be cited as such, and will be referred to herein as “this Code.”

(b) Purpose and scope. The purpose of this Code is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures not located within a building visible from outside the building or intended for view by people outside the building. The regulations of this Code are not intended to permit any violation of the provisions of any other lawful ordinance.

(c) Enforcement. The building official is hereby authorized and directed to enforce all the provisions of this Code.

(d) Right of entry. Upon presentation of proper credentials the building official or his duly authorized representatives may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this Code.

(e) Board of appeals. The board of appeals as provided in the Uniform Building Code and which has been established thereunder is the appellate board to provide for reasonable interpretation of this article. (Ord. No. 759, § 1, 3-19-63)
Sec. 3-22. Definitions and abbreviations.

General. For the purpose of this Code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section defined in Article 20 of the Zoning Ordinance. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

Approved plastic material. "Approved plastic material" is one which the building official has found to be suitable functionally for the purpose for which it is offered, which conforms to the Uniform Building Standards edition as set forth in this section.

Building Code. Wherever the Building Code is referred to in this article it shall be that edition of the Building Code and or appendices thereto which have been adopted by ordinance and are in full force and effect at the time of compliance with or enforcement of provisions of this article.

Building Code Standards. Wherever the Building Code Standards is referred to in this article it shall be that edition of the Building Code Standards or appendices thereto which have been adopted by ordinance and are in full force and effect at the time of compliance with or enforcement of any provisions of this article.

Building line. "Building line" is a line established by ordinance beyond which no building may extend. A building line may be a property line. (See curb line.)

Building official. "Building official" shall mean the duly appointed and acting chief building inspector of the City of Porterville, his duly authorized representatives or such person as may hereafter be authorized by law to perform the duties now being performed by that official in the City of Porterville.

Combination sign. "Combination sign" shall mean any sign incorporating any combination of the features of ground, projecting and roof signs.

Curb line. "Curb line" shall be the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the city engineer. (See building line.)

Display surface. "Display surface" is the area made available by the sign structure for the purpose of displaying the advertising message.

Electric sign. "Electric sign" shall mean any sign containing electrical wiring, but not including signs illuminated by an exterior light source.
**Ground sign.** "Ground sign" shall mean a sign which is supported by one or more uprights, poles, or braces in or upon the ground other than a combination sign as defined by this Code.

**Incombustible material.** "Incombustible material" is any material which will not ignite at, or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit during an exposure of given minutes, and which will not continue to burn or glow at that temperature. Tests shall be made as specified in Uniform the Building Code.

**Marquee.** "Marquee" is a permanent roofed structure attached to and supported by the building and projecting over public property.

**Nonstructural trim.** "Nonstructural trim" is the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

**Plastic materials.** "Plastic materials" are those made wholly or principally from standardized plastics listed and described in the Uniform Building Code. (See approved plastic material.)

**Projection.** "Projection" means the distance by which a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

**Projecting sign.** "Projecting sign" shall mean a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

**Roof sign.** "Roof sign" shall mean a sign erected upon or above a roof or parapet of a building or structure.

**Sign.** "Sign" is any medium including its structure and component parts which is used or intended to be used to attract attention to the subject matter for advertising purposes other than paint on the surface of a building.

**Sign structure.** "Sign structure" means the supports, uprights, braces and framework of the sign.

**Structure.** "Structure" is that which is built or constructed, and edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.

**Temporary sign.** "Temporary sign" shall include any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames; intended to be displayed for a limited period of time only.

**Uniform Building Code.** Wherever the Uniform Building Code is referred to in this article it shall be that edition of the Uniform Building Code and or appendices thereto.
which have been adopted by ordinance and are in full force and effect at the time of
compliance with or enforcement of any provisions of this article.

Standards is referred to in this article it shall be that editions of the Uniform Building
Code Standards or appendices thereto which have been adopted by ordinance and are in
full force and effect at the time of compliance with or enforcement of any provisions of
this article.

Wall sign. “Wall sign” shall mean any sign attached to or erected against the wall
of a building or structure, with the exposed face of the sign in a plane parallel to the plane
of said wall. (Ord. No. 1537, § B14, 8-6-96)

Sec. 3-23. Permits, fees and inspection.

(a) Permits required. No sign shall hereafter be erected, re-erected,
constructed, altered, or maintained, except as provided by this Code and a permit for the
same has been issued by the building official. A separate permit shall be required for
each sign. In addition, electrical permits shall be obtained for electric signs.

(b) Application. Application for a sign permit shall be made in writing upon
forms furnished by the building official. Such application shall contain the location by
street and number of the proposed sign structure, as well as the name and address of the
owner and the sign contractor or erecter. The building official may require the filing of
plans and specifications to be prepared and designed by an engineer or architect licensed
by the state to practice such.

(c) Exemption. The following signs shall not require a sign permit. These
exceptions shall not be construed as relieving the owner of the sign from the
responsibility of its erection and maintenance, and its compliance with the provisions of
this Code or any other law or ordinance regulating the same.

(1) The changing of the advertising copy or message on a painted or printed
sign only. Except for theater marquees and similar signs specifically
designed for the use of replaceable copy, electric signs shall not be
included in this exception.

(2) Painting, repainting or cleaning of an advertising copy or message thereon
shall not be considered an erection or alteration which requires sign permit
unless a structural change is made.

(3) Real estate signs not exceeding twelve square feet (12 sq. ft.) in area and
not to exceed 6 feet in height, which advertise the sale, rental, or lease of
the premises upon which said signs are located and do not interfere with
visibility of motor vehicle traffic.
Professional name plates not exceeding two square feet (2 sq. ft.) in area.

(5) Identification signs on apartment houses, boarding or rooming houses or similar uses, not exceeding six square feet (6 sq. ft.) in area.

(6) Name plates or signs not exceeding two square feet (2 sq. ft.) in area in the aggregate for residential dwelling units.

(5)(7) Bulletin boards not over twelve square feet (12 sq. ft.) in area for public, charitable, or religious institutions when the same are located on the premises of said institutions.

(6)(8) Signs denoting the architect, engineer or contractor when placed upon work under construction and not exceeding twelve square feet (12 sq. ft.) in area.

(7)(9) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or when constructed of bronze or other incombustible materials.

(10) Traffic, informational, or municipal signs designed to give information in the specific interest of the traveling public, legal notices, railroad crossing, danger signs.

(11) Non-advertising warning signs or no trespassing signs on private property posted no closer than one hundred (100) feet apart nor exceeding two square feet (2 sq. ft.) in area per sign.

(8)(12) Signs of public service companies indicating danger, and aids to service or safety. Non-advertising signs of public utility companies as may be required in their operations in providing services for the health and welfare of the general public, or as required by any law or regulation of the State of California, or any agency thereof.

(9) Small portable signs under twelve square feet (12 sq. ft.) inside or outside a building, not over public property.

(13) Non-advertising displays commemorating legal holidays, providing, however that said displays are not detrimental to public health, safety, and general welfare.

(10)(14) Temporary political signs as set forth in Sections 2012 and 2015 Article 20 of the Porterville Zoning Ordinance.
(d) **Sign permit fee.** A fee for each sign permit shall be paid to the building official as set forth in the schedule below.

The determination of value or valuation under any of the provisions of this Code shall be made by the building official.

Where work for such which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees specified above shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

**BUILDING PERMIT FEES**

Fees will be collected based on:

1. **To be taken from Uniform Building Code.** A resolution adopted by the City Council

2. Electrical permit fee to be taken from Ordinance No. 742. [Codified as § 7-11]

(e) **Plan checking fees.** Where plans and other pertinent information are required in accordance with section 3-23(b), a plan check fee equal to one-half the sign permit fees as per a resolution adopted by the City Council shall be paid to the building official.

(f) **Maintenance.** All signs, together with all of their supports, braces, guys, and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

(g) **Inspections.** All signs for which a permit is required shall be subject to inspection by the building official.

- Footing inspections will be required for all ground signs.
- Electric signs shall be inspected before erection.
- The building official may order the removal of any sign that is not maintained in accordance with provisions of subsection (f) of this section.
- All signs may be re-inspected at the discretion of the building official. (Ord. No. 759, § 3, 3-19-63; Ord. No. 1537, § 15, 8-6-96)
Sec. 3-24. Design and Construction.

DESIGN

(a) **General.** Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to over-stress any of the elements thereof.

The overturning moment produced from lateral force shall be transmitted through the ground in such manner as not to over-stress any of the elements thereof.

The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(b) **Wind loads.** For the purpose of design, and except for roof signs and combination signs, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than fifteen (15) pounds per square foot for those portions less than sixty (60) feet above the ground, and at not less than twenty (20) pounds per square foot for those portions more than sixty (60) feet above the ground.

Wind pressure upon roof signs and combination signs and their support shall be taken at not less than thirty (30) pounds per square foot of the gross area of the plane surface, acting in any direction. In calculating wind pressure on curved surfaces such as cylindrical or spherical signs or sign structures, this pressure shall be assumed to act on six-tenths (6/10ths) of the projected area. In all open frame signs or sign structures the area used in computing wind pressure shall be one and one-half (1 1/2) times the net area of the framing members exposed to the wind.

(c) **Seismic loads.** Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the Uniform Building Code.

(d) **Combined load.** Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

(e) **Allowable stresses.** The design of wood, concrete, or steel members shall conform to the requirements of the Uniform Building Code. Loads, both vertical and
horizontal, exerted on the soil shall not produce stresses exceeding those specified in the Uniform Building Code. The working stresses for wind or seismic loads combined with dead loads may be increased as specified in the Uniform Building Code.

CONSTRUCTION

(f) **General.** The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.

(g) **Material.** Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the Uniform Building Code. Anchors and supports when of wood are embedded in the soil, or within six (6) inches of the soil, shall be of all heartwood of a durable species or shall be pressure-treated with an approved preservative. Such members shall be marked or branded by an approved agency.

(h) **Restrictions on combustible materials.** All signs and sign structures erected in Fire Zone No. 1 shall have structural members of incombustible materials. Ground signs may be constructed of any material meeting the requirements of this Code, except as provided above. Combination signs, roof-signs, wall signs, projecting signs, and signs on marquees shall be constructed of incombustible materials, except as provided in subsection (i) of this section. No combustible materials other than approved plastic materials shall be used in the construction of electric signs.

Sign boards or billboards in Fire Zone No. 1 shall be of incombustible material.

(i) **Nonstructural trim.** Nonstructural trim may be of wood, metal, approved plastics, or any combination thereof.

(j) **Anchorage.** Members supporting un-braced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate to resist the wind pressure specified in subdivision (b) of this section.

Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
No wooden block or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

No anchor or support of any sign shall be connected to, or supported by, a parapet wall, unless such wall is designed in accordance with the requirements specified in the Uniform Building Code for parapet walls.

(k) Display surfaces. Display surfaces in all types of signs may be made of metal, glass or approved plastics, in accordance with the area limitations set forth in Tables No. 4-A and No. 4-B of this article [See § 3-25].

(l) Restrictions as to zoning regulations. All signs shall comply with zoning regulation ordinances of the City of Porterville.

(m) Clearance from electric power lines. No permit for any sign shall be issued and no sign shall be constructed, installed, or erected which has less horizontal or vertical clearance from energized electrical power lines than prescribed by the California Penal Code, Section 385, the regulations of the California Public Utility Commission, and the Orders of Division of Industrial Safety, State of California. (Ord. No. 759, § 4, 3-19-63)

Sec. 3-25. Ground signs.

(a) General. Ground signs may be constructed of any material meeting the requirements of this Code, except as provided in Section 3-24(h).

(b) Design. Ground signs shall be designed in accordance with the requirements specified in Section 3-24.

(c) Projection. Ground signs shall not project over public property or beyond a building line. For projection of combination signs, see Section 3-23.

(d) Fire restrictions. Ground signs may have display surfaces of combustible materials except in Fire Zone No. 1. (Ord. No. 759, § 5, 3-19-63)

Table 4-A
LIMITATIONS OF APPROVED PLASTICS IN SIGNS
<table>
<thead>
<tr>
<th>AREA OF FACING OR DISPLAY SURFACE</th>
<th>AREA OCCUPIED OR COVERED BY APPROVED PLASTIC MATERIALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 square feet or less</td>
<td>100% of display surface area</td>
</tr>
<tr>
<td>Over 100 square feet, but less than 2,000 square feet</td>
<td>100 square feet plus 25% of the difference between 100 sq. ft. and the area of the display surface</td>
</tr>
<tr>
<td>Over 2,000 square feet</td>
<td>Not over 575 square feet</td>
</tr>
</tbody>
</table>

Table 4-B
SIZE, THICKNESS, AND TYPE OF GLASS PANELS IN SIGNS

<table>
<thead>
<tr>
<th>ANY DIMENSION IN INCHES</th>
<th>AREA IN SQUARE INCHES</th>
<th>MINIMUM THICKNESS OF GLASS IN INCHES</th>
<th>TYPE OF GLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>500</td>
<td>1/8</td>
<td>Plain, Plate, or Wired</td>
</tr>
<tr>
<td>45</td>
<td>700</td>
<td>3/16</td>
<td>Plain, Plate, or Wired</td>
</tr>
<tr>
<td>144</td>
<td>3,600</td>
<td>1/4</td>
<td>Plain, Plate, or Wired</td>
</tr>
<tr>
<td>Over 144</td>
<td>Over 3,600</td>
<td>1/4</td>
<td>Wired</td>
</tr>
</tbody>
</table>

Sec. 3-26. Roof signs.

(a) — General. Roof signs shall be constructed of incombustible materials except as specified in section 3-24(i).

(b) — Design. Roof signs shall be thoroughly secured and anchored to the frame of the building over which they are constructed and erected, and shall be designed in accordance with the requirements specified in section 3-24. Cables shall not be used as primary elements of support.

(c) — Projection. Roof signs may project over public property or beyond a building line complying with the requirements specified in section 3-29 hereof.
(d) — Clearance and access. Passage clear of all obstructions shall be left under or around, and immediately adjacent to all signs exceeding a height of four (4) feet above the road thereunder. Such passages shall be not less than three (3) feet wide and four (4) feet high and shall be at parapet or roof level.

There shall be one such passage or access opening as follows:

(1) — For each roof sign upon a building.

(2) — An access opening for every fifty (50) lineal feet or horizontal roof sign extension.

(3) — Within twenty (20) feet of walls and parapets when roof signs are at right angles to a face of the building. (Ord. No. 759, § 6, 3-19-63)

Sec. 3-27. Wall signs.

(a) General. Wall signs shall be constructed of incombustible materials, except as provided in Section 3-24 (i).

(b) Design. Wall signs shall be designed in accordance with the requirements specified in Section 3-24.

(c) Projection. No wall sign shall have a projection over public property or beyond a building line greater than the distances set forth in Figure No. 1, nor shall extend above any adjacent parapet or roof of the supporting building. No sign or sign structure shall project into any public alley whatsoever, below a height of fourteen (14) feet above grade, nor more than six (6) inches when over fourteen (14) feet. (Ord. No. 759, § 7, 3-19-63)

Editor's note—Figure No. 1 is not set out but is on file in the city clerk's office

Sec. 3-28. Projecting signs.

(a) General. Projecting signs shall be constructed of incombustible materials, except as specified in section 3-24(i).

(b) Design. Projecting signs shall be designed in accordance with the requirements specified in section 3-24.

(c) In any residentially zoned district, with the exception of newspaper and mail receptacles, no sign or advertising structure shall extend or project over any public sidewalk, street, alley, or other public property unless exempted under Section 2006, paragraph 8 of this article.

(d) Signs or advertising structures projecting more than six (6) inches from the face of a building, or any other supporting structure, over travel ways or walkways on
private property used or intended to be used by the general public, shall have a minimum clearance of eight (8) feet above the pavement or finished grade.

(e) Signs or advertising structures projecting not more than six (6) inches from the face of a building or any other supporting structure, over a public sidewalk or any other public property, shall have a minimum clearance of eight (8) feet above the pavement or finished grade.

(f) Signs or advertising structures projecting more than six inches from the face of a building or any other supporting structure shall have a minimum clearance of ten feet above the pavement or finished grade.

(g) No sign or advertising structure shall exceed a horizontal dimension of more than thirty inches when projecting from the face of any building or any other supporting structure, whether privately or publicly owned. When the sign projects over a public sidewalk or any other public property, and is suspended from or supported by a rod, anchor, or other hardware, the overall horizontal dimension may not exceed thirty-six inches. When the sign projects over a public sidewalk or any other public property, and when said sign is placed on or suspended from an awning, canopy, or marquee, the overall horizontal dimension must not exceed forty-eight inches.

(h) No sign or advertising structure shall project into any public alley below a height of eight (8) feet, nor more than eight (8) inches when over eight (8) feet.

(i) Signs or advertising structures in any residential, P-O, and C-1 zoned districts may not be attached to a building in such a manner that any portion of same extends above the roofline of the building to which it is attached.

(c) Projection. Signs may project over public property or a building line a distance determined by the clearance of the bottoms thereof above the level of the sidewalk or grade immediately below, as set forth in Figure No. 1.

No sign or sign structure shall project into any public alley whatsoever, below a height of fourteen (14) feet above grade, nor more than six (6) inches when over fourteen (14) feet.

Projecting signs may project over public property or beyond a building line as set forth in Figure No. 1.

(f) Clearance. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance.

Signs shall be so located as to maintain all required clearances from overhead power and service lines.
(e) — *Display surface area.* The area of the display surface of a projecting sign which projects over public property, or beyond a building line, shall not exceed one hundred and fifty (150) square feet per face. (Ord. No. 759, § 8, 3-19-63)

**Sec. 3-29. Combination signs.**

(a) *General.* Combination signs shall be constructed of incombustible materials except as provided in section 3-24 (i).

(b) *Design.* All supports of combination signs shall be placed in or upon private property and shall be securely built, constructed and erected to conform with the requirements specified in section 3-24.

(c) *Projection.* Combination signs may project over public property or beyond a building line as set forth in Figure No. 1.

The individual requirements of roof, projecting and ground signs shall be applied for combination signs incorporating any or all of the aforesaid features.

(d) — *Display surface area.* The area of the display surface of a projecting sign which projects over public property, or beyond a building line, shall not exceed one hundred and fifty (150) square feet per face. (Ord. No. 759, § 9, 3-19-63)

**Sec. 3-30. Marquees.**

(a) *General.* Signs may be placed on, attached to, or constructed in a marquee. Such signs shall, for the purpose of determining projection clearance, height and material, be considered a part of and shall meet the requirement for a marquee as specified in the Uniform Building Code. (Ord. No. 759, § 10, 3-19-63)

**Sec. 3-31. Electric signs.**

(a) *General.* Electric signs shall be constructed of incombustible materials, except as provided in section 3-24(h). The enclosed shell of electric signs shall be watertight, excepting that service holes fitted with covers shall be provided into each compartment of such signs.

(b) *Installation.* Electric equipment used in connection with display sign shall be installed in accordance with local ordinances regulating electrical installations.

(c) *Erector's name.* Every electric sign projecting over any street or alley or public place shall have painted on the surface of the sign the name of the sign erector and date of erection. Such name and date shall be of sufficient size and contrast to be readable from a reasonable distance. Failure to provide such name and date shall be grounds for rejection of the sign by the building official. (Ord. No. 759, § 11, 3-19-63)
Sec. 3-32. Temporary signs and banners.

Refer to Ordinance No. 727 [Codified as Article I of this chapter], and Article 20 of the Zoning Ordinance, which shall apply. (Ord. No. 759, § 12, 3-19-63)

Sec. 3-33. Violation and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the city or cause or permit the same to be done contrary to or in violation of any of the provisions of this Code.

Any person, firm, or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. (Ord. No. 759, § 13, 3-19-63)

ARTICLE TWENTY

SIGNS AND ADVERTISING STRUCTURES

SECTION 2000: Definitions of Words, Phrases, and Terms Contained in this Article.

Advertising Area: Shall mean the total square foot area of all sign facings (except double face signs which shall be computed as one face), calculated by adding the outer dimensions of all faces capable of presenting a sign message including the border and/or frame. The area of a sign without a border placed on the wall of a building shall be computed by enclosing the entire sign within sets of parallel lines touching the outer limits of the sign message and computing the area thus enclosed.

Advertising Structure: Shall mean a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing or other advertisement of any kind whatsoever may be placed, including statuary, for the purpose of advertising the business or activity on the premises, but shall not include official notices issued by any court or public body or officer, notices posted by any public officer in the performance of a public duty or by any person in giving legal notice; directional, warning or information structures required or authorized by law or by federal, state, or county authority.
Approved plastic material: Shall mean a plastic material which the building official has found to be suitable functionally for the purpose for which it is offered; which conforms to the Uniform Building Standards edition as set forth in this section. (Also “Plastic Material”)

Balloon display: Shall mean an arrangement of one (1) or more balloons, with or without any message thereon, which are individually less than thirty-six (36) inches in any dimension and inflated with air, helium, or gas, that are tethered at a fixed location and are primarily intended to draw attention to that location. Balloon displays shall not include balloons arranged in a manner that cumulatively spell out a word.

Banner: Shall mean a sign made of cloth, heavy duty plastic, or similar lightweight, flexible material (except paper), attached to or suspended from any structure, building, staff, pole, line, framing, or other projection, and used for temporary advertising purposes, not including “flags”.

Building Line: Shall mean a line established by ordinance beyond which no building may extend. A building line may be a property line.

Building Official: Shall mean the duly appointed and acting Chief Building Inspector of the City of Porterville, his duly authorized representatives or such person as may hereafter be authorized by law to perform the duties now being performed by that official in the City of Porterville.

Business Face: Shall mean the computed lineal width of the front face of a building or store occupied by an individual, multiplied by the height extending from finished grade to the rooftop of the top story. Shall mean either but not both of the following for any business or building:

1) That portion or portions of a building or tenant space within a building which faces a public street; OR

2) That portion or portions of a building or tenant space within a building which contains an entrance open to the public and which faces a parking area available to customers or clients of any business within the building.

Business Face Area: Shall mean the computed lineal width of a building face multiplied by the height extending from finished grade to the top of the vertical wall of the business face.

Business Frontage: Shall mean the area between property lines or lease lines of the front of a business in which the primary entrance, accessible to the general public, is located.

Combination sign: Shall mean any sign incorporating any combination of the features of ground, projecting and roof signs.
Curb Line: Shall mean the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the City Engineer.

Display Frontage: Shall mean the lineal footage of display frontage for those businesses where the principal display of merchandise is located outside of a main building.

Display Surface: Shall mean the area made available by the sign structure for the purpose of displaying the advertising message.

Flag: Shall mean any fabric or bunting containing distinctive colors, patterns, symbols, or logos of a government agency, political subdivision, corporation, church, or other entity.

Freeway: Shall mean a highway with respect to which the owners of abutting lands have no right of easement or access to or from their abutting lands, or in respect to which such owners have only limited or restricted easement or access, and which is declared to be in compliance with the Streets and Highways Code of the State of California.

Hand-held Sign: Shall mean a commercial sign held by a person or persons in a manner to attract attention to an area, development, business, or service.

Highway: Shall mean roads, streets, boulevards, lanes, courts, places, commons, trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or of vehicles and persons.

Incombustible material: Shall mean any material which will not ignite at, or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit during an exposure of given minutes, and which will not continue to burn or glow at that temperature. Tests shall be made as specified in the Building Code.

Integrated Business Development: Shall mean a development consisting of five or more interrelated business establishments using common driveways and on-site parking facilities.

Marquee: Shall mean a permanent roofed structure attached to and supported by a building and projecting over public property.

Nonstructural trim: Shall mean the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

Open Uses: Shall mean those uses that do not have to be associated with buildings or structures for the carrying on of their trade, service or activity, such as, but not limited to, automobile sales, contractors storage yards, and equipment rental yards.
Pennant: Shall mean any lightweight plastic, paper, fabric, or other similar, flexible material, suspended from or attached to a rope, wire, string, or pole, usually in a series, designed to move in the wind.

Primary Highway: Shall mean any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the Director of the Department of Public Works of the State of California and approved by appropriate authority of the federal government.

Roof: Shall mean the cover of any building or part of a building including patio, porch and awning covers.

Roofline: Shall mean the height above finished grade of the upper most beam, rafter, ridge board, or purlin of any building.

Sign: Shall mean and include every announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained in view of the general public for identification, advertisement or promotion of the interests of any person individual, organization, or business.

Sign, A-Frame: Shall mean a temporary— an unanchored freestanding sign, usually hinged at the top and widening at the bottom to form a shape similar to the letter “A.”

Sign, Business Identification: Shall mean any sign erected installed or maintained for the purpose of identifying a bona fide business, use, service, product, commodity, and interest or entertainment being conducted upon the premises on which the sign is located.

Sign, Center Identification: Shall mean a free standing advertising structure which supports a sign containing the name identifying an integrated business development and may also include identification signs on which the names and nature of businesses only within the development are uniformly displayed.

Sign, Double Face: Shall mean a single sign with two parallel sign faces back-to-back.

Sign, Electric: Shall mean any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

Sign, Energized: Shall mean any sign or advertising structure energized from any source for the purpose of illumination or sustaining motion.

Sign, Facing or Surface: Shall mean the surface of the sign upon, against or through which the message is displayed or illustrated on the sign, excepting signs in which the words, letters, or symbols are independently mounted, then the sign surfaces shall mean the outside dimensions of the area containing all of the individual words, letter, and symbols.
Sign, Ground: Shall mean a sign which is supported by one or more uprights, poles, or braces in or upon the ground other than a combination sign as defined by this Code.

Sign, Ground: Shall mean any sign not exceeding forty-two (42) inches in height, anchored in the ground and not attached to any building.

Sign Height: The height of signs shall be measured from ground level (finished grade) to the top of the sign.

Sign, Inflatable: Shall mean an inflated balloon, in any shape or in the form of any character or animal, and over thirty-six (36) inches in diameter in any dimension, made of vinyl, fabric, cloth, or other similar, lightweight, flexible, material, primarily intended to draw attention to that location.

Sign, Non-Advertising: Shall mean any sign posted on private property containing thereon a regulatory or warning notice and upon which no advertising matter is displayed.

Sign, Non-appurtenant: Shall mean any sign which advertises or directs attention to a use, service, product, commodity, an interest, or entertainment, which is not conducted, available, sold or offered on the same premises.

Sign, Permanent Reader Panel: Shall mean a permanently constructed changeable copy bulletin board lighted or unlighted, attached to a building or freestanding advertising structure, with detachable precut letters and figures.

Signs, Political: Shall mean any sign concerning candidates for political office, propositions involving a ballot issue, or promotional campaigns.

Sign, Portable: Shall mean a temporary sign which is not permanently affixed to a secured or attached to an approved structure, support or anchor, and is capable of being carried or readily moved from one location to another. This may include, but is not limited to A-Frame Signs, sandwich signs, or signs that lean on a stationary object, building, or structure. Portable signs shall not include banners, pennants, flags, inflatable signs, vehicle signs, and hand-held signs.

Sign, Projecting: Shall mean any sign which is attached to, and is supported solely by a building wall or structure and extends beyond the building wall, structure, or parts thereof, more than six (6) inches and whose angle of incidence to said building wall, structure or parts thereof, is greater than thirty degrees.

Sign, Roof: Shall mean any sign erected, constructed and maintained wholly upon or over the roof of any building with the principle support on the roof structure. Shall mean a sign attached to a building that is characterized by one or more of the following:

- Sign is placed atop, or projects above the top edge of a roof, mansard roof, canopy, or a similar structure not at a vertical plane; or
- Sign is placed atop, or projects above the top edge of a parapet wall, canopy fascia, or a similar structure at or near a vertical plane; or

- Sign is placed on a tower or similar wall structure that extends above the top of the roof or parapet wall of a building.

**Sign structure:** Shall mean the supports, uprights, braces and framework of the sign.

**Sign, Temporary:** Shall mean sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames; intended to be displayed for a limited period of time only.

**Sign, Wall:** Shall mean all flat signs, whether painted, or of solid face construction or of individual letters, which are placed against the exterior wall of any building or structure.

**Sign, Window:** Shall mean any sign that is applied, painted, or attached to a window or located within two (2) feet of the interior of a window and visible from the exterior of a building.

**Street:** Shall mean the same as "Highway".

**Structure:** Shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.

**Uniform Building Code (U.B.C.):** Whenever the U.B.C. is referred to in this Chapter it shall be that edition of the U.B.C. building code and appendices thereto which have been adopted by Ordinance and are in full force and effect at the time of compliance with, or enforcement of, any provisions of this Chapter.

**U.B.C. Standards:** Wherever the U.B.C. Standards are referred to in this Chapter it shall be that edition of the U.B.C. building code Standards or appendixes thereto which have been adopted by Ordinance and are in full force and effect at the time of compliance with, or enforcement of, any provisions of this Chapter.

**SECTION 2001:** Continuation of Existing Regulations.

A. The provisions of this Article, insofar as they are substantially the same as existing ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

**SECTION 2002:** Purpose and Intent.
A. Recognizing the desire and need of each individual, business, firm or corporation to identify its place of residence, business or service, and realizing that the indiscriminate erection, location, illumination, coloring, size, and lack of proper maintenance of signs and advertising structures, constitutes a significant contributing factor detrimental to the well-being and continuing activity of a city's people and economy, it is the purpose and intent of this article to:

1. Assure that all signs and advertising structures are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality, and do not impair the view of nearby or adjacent signs.

2. Prohibit the installation and maintenance of signs or advertising structures which unduly distract motorists' attention from driving, and which detract from attention to traffic movement and to signs and signals promoting traffic safety.

3. Prevent the installation and maintenance of signs or advertising structures which singly or conjunctively individually or collectively have an injurious effect on the morale of the people and the economic well-being of the City.

4. Assure that size and location of signs and advertising structures do not constitute an obstacle to effective fire protection and fire fighting techniques; nor constitute a direct or potential danger to vehicular or pedestrian traffic, especially in the event of structural failure during the period of inclement weather and earthquakes or in the event of impaired vision due to improper size or location.

5. Otherwise protect the public health, safety, morale, and promote the public welfare.


A. It shall be unlawful for any person to erect, construct, install, structurally alter, or relocate within the City of Porterville any sign or advertising structure without first satisfying the requirement of this Article and obtaining a sign permit as required by Chapter 3, Article IV of the Municipal Code, except as described in Section 2006.


A. Upon the filing of an application for a sign permit, the plans, specifications and other data, as may be required, shall be examined by the City Planner Community
Development Director or his designee, and the Chief Building Inspector Official, and if it shall appear that the proposed sign or advertising structure is in compliance and all of the requirements of this ordinance and all other laws of the City, the City Planner Community Development Director or his designee shall certify compliance on the plans, and the Chief Building Inspector Official shall issue the necessary erection sign permit.

SECTION 2005: Stop Orders.

A. The issuance of a sign permit shall not constitute a waiver of this Article or any ordinance of the City of Porterville, and the Building Inspector is hereby authorized to stop any sign or advertising structure installations which are being carried on in violation of this ordinance, or of any other ordinance of the City of Porterville.

SECTION 2006: Exceptions and Exemptions.

A. The provisions and regulations of this Article shall not apply to certain classes of signs and advertising structures which are designated in the following subsections; provided, however, that such signs shall be subject to the provisions of Sections 2007 through 2012 2014:

1. Real estate signs not exceeding twelve (12) square feet in area per face or eight (8) feet in height pertaining to the sale or rental of the property on which they are displayed, but not more than one such sign for each street frontage, excepting that all such signs located in any "R" Zone shall not exceed six (6) square feet in area per face or four (4) feet in height.

2. Professional name plates and occupational signs denoting only the name and occupation of any occupant in a commercial building or public institutional building, and not exceeding two (2) square feet in area.

3. Identification signs on apartment houses, boarding or rooming houses or similar uses, not exceeding six (6) square feet in area.

4. Name plates or signs not exceeding two (2) square feet in area in the aggregate for residential dwelling units.

5. Permanent reader panels for public, charitable, or religious institutions provided said reader panels are located on the property to which such reader panels pertain and do not exceed sixteen (16) square feet in total area per face nor more than ten (10) feet in height, and further provided said reader panels are located in such a manner as not to constitute a hazard to vehicular or pedestrian traffic. Electronic reader boards which
otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every 15 seconds shall be permitted.

6. Signs identifying a development and denoting the architect, engineer or contractor when placed upon work under construction, provided, however, that no such sign shall exceed thirty-two (32) square feet in area.

7. Memorial and/or historical signs or tablets, names of buildings or date of erection, building construction, when constructed of bronze or other incombustible materials or cut into any masonry surface.

8. Traffic, informational, or municipal signs designed to give information in the specific interest of the traveling public, legal notices, railroad crossing, danger signs.

9. Non-advertising warning signs or no trespassing signs on private property posted no closer than one hundred (100) feet apart nor exceeding two (2) square feet in area per sign.

10. Non-advertising signs of public utility companies as may be required in their operations in providing services for the health and welfare of the general public, or as required by any law or regulation of the State of California or any agency thereof.

11. On-site directional signs for public or private developments, denoting the entrance, exit, and direction of traffic flow and not exceeding four (4) square feet in area per face, provided such signs are not prohibited or further regulated by other sections of this or any other ordinance of the City of Porterville.

12. Non-advertising displays commemorating legal holidays, hours of operation, opened or closed, etc., providing, however, that said displays are not detrimental to public health, safety, and general welfare.

13. Temporary signs noting businesses which sponsor and contribute to the sports activities upon public premises, subject to the provision of Section 2012(A)-2, 3, 4 and 5 contained herein. For the purposes of interpretation of Section 2021(A), paragraph 2 of 2012, the "event" shall also mean all sports/recreational activities, and the "date of the event" shall be construed to be the first and/or last game or event of the respective season of that activity.

14. Signs required by State of or Federal law.
15. Pennants and balloon displays at outdoor display areas which otherwise comply with the zone in which they are located.

16. Flags, up to three (3) per site.

SECTION 2007: Non-Conforming Signs

A. Business identification signs which do not conform to this article, but which lawfully existed and were maintained on the effective date of this article shall, within five (5) years after the effective date of this article, be removed or made to conform. Effective date of this article in all cases, shall be interpreted to mean the original date of adoption of the Sign Ordinance, March 8, 1974.

B-A. Non-appurtenant signs or supporting advertising structures which do not conform to this article, but which lawfully existed and were maintained on the effective date of this article shall, within three (3) years after the effective date of this article, be removed or made to conform.

C-B. Non-conforming signs advertising a business which has been vacated for a period of one hundred-eigthy (180) days shall be removed or made to conform by the property owner.

C. Window signs which do not conform to this article, but which lawfully existed and were maintained on the effective date of this article or any amendments thereto, shall, within one (1) year after the effective date of this article, or any amendments, be removed or made to conform.

D. Temporary Signs which do not conform to this article, but which lawfully existed and were maintained on the effective date of this article or any amendments thereto, shall, within sixty (60) days after the effective date of this article, or any amendments, be removed or shall be made to conform.

D-E. All other non-conforming signs and advertising devices shall, within five (5) years after the effective date of this article, be removed or made to conform. Effective date shall be the same as in Section 2007(A) above. be regulated as nonconforming uses pursuant to Article Twenty-Five of this Ordinance.

SECTION 2008: Traffic Hazards

A. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Nor shall such sign or
advertising structure make use of any word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

SECTION 2009:    Compliance with Federal and State Regulations.
A. Nothing contained in this Article shall be construed to exempt compliance with applicable outdoor advertising regulations of any federal or state agency having authority over the control of signs and advertising structures within such jurisdictions as may be designated adjacent to and along any Freeway, Highway, Interstate Highway, or Primary Highway.

B. If at any time a regulation or a provision of this Article conflicts with a similar regulation or a provision of another governmental agency, the more restrictive application shall apply unless noted otherwise.

SECTION 2010:    Prohibited Signs and Advertising Structures.
A. Any sign or advertising structure that is rotating, animated, simulates movement, or contains any moving parts, shall not be permitted.

B. Any energized sign or advertising structure containing flashing lights, including signs or advertising structures with lights flashing in sequence to simulate movement shall not be permitted. Electronic reader boards which otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every 15 seconds shall be permitted.

C. No signs or sources of illumination shall be permitted in any zoned district if in the opinion of the Director of Community Development and Services Community Development Director, or his designee, they impose a glare upon any street, alley, driveway, parking area, adjacent property, or into the eyes of any motorist or pedestrian.

D. Non-appurtenant signs shall not be permitted in any zoned district.

E. Advertising structures containing display surface areas or image areas in excess of the maximum square footage permitted for allowable signing within the zoned districts in which they are located or are intended to be located, shall not be permitted.

F. No portable signs shall be permitted in any zoned district with the exception of those temporary advertising devices listed in Sections 2013 2019 and Section 2020, below.
G. Roof signs shall not be permitted in any zoned district.

SECTION 2011: Temporary Real Estate Subdivision Signs.

A. Two temporary real estate subdivision signs, each face not to exceed one-hundred (100) square feet in area, and not to exceed 10 feet in height, may be located on any new subdivision zone; provided, that such signs and advertising structures shall be removed twenty-four (24) months from the date the permit for same is issued, or when the subdivision is completely sold out, whichever comes first, and further provided that:

1. Plans, indicating the size, design, location and sign copy shall be submitted to the Community Development Director, or his designee, and the Building Official Planning Division for approval prior to the issuance of a sign permit by the Building Official Inspector.

2. Any change in sign copy or advertising structure must be resubmitted for approval.

3. Not more than one (1) such sign shall be permitted to be displayed adjacent to the same street frontage.

4. A Letter of Agreement from the property owners giving the City right of entry to remove signs in the event the above stipulations are not complied with shall be submitted to the Planning Division prior to the issuance of an erection a sign permit.

5. If at any time the property on which the signs are located is sold, the signs shall be removed or a new Letter of Agreement shall be submitted from the buyer to permit the sign to remain and granting the City right to enter the property and remove the sign.

B. Three (3) temporary off-site directional real estate subdivision signs and advertising structures for each subdivision may be located in any zone, subject to the approval of a Conditional Use Permit provided that:

1. Said signs shall not exceed thirty-two (32) square feet in area per face and not exceed 8’ in height.

2. Said signs and advertising structures shall be removed twenty-four (24) months from the date the permit for same is issued, or when the subdivision is completely sold out, whichever comes first.
3. A use permit shall be approved for each location in conformance with Article 29 contained within this ordinance.

C. Failure to comply with any or all of the applicable provisions as set forth in this Section shall be cause for the immediate removal of the signs and/or advertising structures.

SECTION 2012: Promotional, Campaign, and Political Signs.

A. Temporary promotional, campaign and political signs are permitted on private property in any zoned district and within the public right-of-way providing that:

1. The individual in charge of posting said signs files with the City Clerk his/her name, address and telephone number and receives a copy of Sections 2012 and 2014 of the Zoning Ordinance.

2. Any such sign on a residentially zoned property with frontage on an Arterial or Collector Street as designated by the Circulation Element of the General Plan shall be no greater than twelve and one-half (12.5) square feet in area. Signs on residentially zoned property not fronting an Arterial or Collector Street shall be limited to a maximum of four (4) square feet in area.

3. Any such sign exceeding thirty-two (32) square feet in area shall require approval of a use permit in conformance with Article 29 contained within this ordinance.

4. No such sign shall be posted within public right-of-way in residentially zoned districts except along Arterial streets and Collector Streets as designated in the Circulation Element of the General Plan. Such signs in the public right-of-way shall be limited to a maximum of four (4) square feet in area.

5. No such sign shall be located so as to constitute a hazard to vehicular and pedestrian traffic.

6. No such sign in the City right-of-way shall be attached to any pole or structure supporting a traffic control sign or device, street tree or fire hydrant.

7. No such sign shall be placed in the roadway or on the sidewalk.

8. No such signs shall be posted more than ninety (90) days preceding the date of the event or election to which the signs pertain.
9. All such signs shall be removed within fifteen (15) days following the date of the event or election to which the signs pertain.

10. No such sign shall be placed in the public right-of-way abutting any public property including park lands nor within City maintained landscaped parkways within public right-of-way.

B. Violation to any of the above regulatory conditions shall be deemed a public nuisance and may be summarily abated as such; and each day that such violation continues shall be regarded as a new and separate offense.

SECTION 2013: Temporary Advertising Device.

A. Pennants, banners, spinners, and other similar temporary advertising devices or portable signs shall be prohibited except for grand openings, special events, and promotional sales, provided, however, that one or all of said advertising devices shall not be displayed for more than one hundred eighty (180) cumulative days in the same location in any twelve (12) month period.

B. Nothing contained in this section shall be construed to prohibit the display of the flag of the United States, State of California, or other political subdivision, or any flag or banner of any bona fide religious or fraternal organization.

SECTION 2014: Maintenance: Quality and Maintenance of Signs

A. All signs and sign structures shall be periodically inspected and maintained at reasonable intervals including replacement of defective parts, painting, repainting, cleaning and other acts required to maintain the sign. The Building Inspector, or the City Planner, may require corrections or removal of any sign deemed to be in violation of this or any other ordinance of the City of Porterville.

A. Quality

1. All signs are to be reviewed by the Community Development Director or his designee and the Chief Building Official prior to issuance of a sign permit. Signs must have finished edges with a clean, smooth, consistent surface. Lettering on the sign is to be of complementary size and font and either carved, routed, painted or applied. If such lettering or design on the sign is painted, it shall exemplify the work as if performed by a qualified professional, expert designer, or proficient individual who specializes in quality workmanship.
2. Colors and materials used for the sign must be compatible with the associated building design. Signs must be architecturally compatible with affected structures and the character of the surrounding development.

3. Wall signs should be oriented to achieve balanced composition and harmony with other architectural elements of a building façade.

4. Sandwich-board signs, effective for certain types of uses, such as markets, restaurants or bakeries that have changing specials and menus, may be exempt to the lettering requirement stated above, when utilizing a re-writable surface, such as a chalk board or dry-erase board, as the interior surface of the sign.

5. Window Signs, applied to windows or oriented for visibility thru the window, should be no greater than 50% coverage of the window, and no greater than 15% of signage allowed per business face. Such signage should be applied to the inside of the window but in such a manner as to allow visibility outside the building as well as achieve a balanced composition and harmony with other architectural elements of the building façade.

B. Maintenance

1. All signs, including those exempt under this chapter, and legal nonconforming signs shall be structurally safe, maintained and kept in good condition. The display surface of all signs shall be kept clean, neatly painted, and free from rust, corrosion and/or tears. Any crack, broken surface, malfunctioning lights, missing sign copy or other un-maintained or damaged portion of a sign shall be repaired or replaced. Signs, and all parts, portions, and materials shall be erected in compliance with all applicable federal, state, and city laws and regulations.

2. When signs are removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall.

3. Abandoned Signs: Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of 60 days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located.


A. No person, except a "public officer" or "City employee" in the performance of his duty shall paste, post, paint, or erect any flag, pennant, sign, banner, or notice of any kind or cause the same to be done upon public property, street, bridge, or
sidewalk within the City of Porterville and no person shall attach any item to private utility company poles without prior written approval from the utility company to which the poles belong.

B. Exceptions:

1. Signs affixed to or painted on temporary construction or fences located within the public right-of-way during construction and only to advertise the architect, construction company or future development, provided that no sign shall exceed thirty-two (32) square feet in area and shall be neatly painted.

2. Non-advertising displays commemorating legal holidays or special events when authorized by the City Council.

3. Signs permitted by Section 2006(A) 13 and Section 2012 contained herein.


A. In any residentially zoned district, with the exception of newspaper and mail receptacles, no sign or advertising structure shall extend or project over any public sidewalk, street, alley, or other public property in any residentially zoned district unless exempted under Section 2006(A) 8 of this article.

B. Signs or advertising structures projecting more than six (6) inches from the face of a building, or any other supporting structure, over travelways or walkways on private property used or intended to be used by the general public, shall have a minimum clearance of eight (8) feet above the pavement or finished grade. Such signs may not project greater than eighteen (18) inches.

C. Signs or advertising structures projecting not more than six (6) inches from the face of a building or any other supporting structure, over a public sidewalk or any other public property, shall have a minimum clearance of eight (8) feet above the pavement or finished grade.

D. Signs or advertising structures projecting more than six (6) inches, but not more than eighteen (18) inches from the face of a building or any other supporting structure shall have a minimum clearance of ten (10) feet above the pavement or finished grade. No sign or advertising structure shall project more than eighteen (18) inches from the face of a building or any other supporting structure, over a public sidewalk or any other public property with the exception of signs affixed to awnings, canopies, or marquees, or appurtenant pedestrian oriented signs when:

1. Said sign is suspended from or placed on an awning, canopy, or marquee.
2. Said sign, when suspended from an awning, canopy, or marquee, does not exceed a width of six (6) inches, nor a length of three (3) feet.

3. Said sign maintains a clearance from finished grade of not less than eight (8) feet.

D. Signs or advertising structures projecting more than six (6) inches from the face of a building or any other supporting structure, over a public sidewalk or any other public property, shall have a minimum clearance of ten (10) feet above the pavement or finished grade.

E. No sign or advertising structure shall project into any public alley below a height of fourteen (14) feet above finished grade nor more than six (6) inches when over fourteen (14) feet.

E. No sign or advertising structure shall exceed a horizontal dimension of more than thirty (30) inches when projecting from the face of any building or any other supporting structure, whether privately or publicly owned. When the sign projects over a public sidewalk or any other public property, and is suspended from or supported by a rod, anchor, or other hardware, the overall horizontal dimension may not exceed thirty-six (36) inches. When the sign projects over a public sidewalk or any other public property, and when said sign is placed on or suspended from an awning, canopy, or marquee, the overall horizontal dimension must not exceed a length of forty-eight (48) inches.

F. No sign or advertising structure shall project into any public alley below a height of eight (8) feet, nor more than eight (8) inches when over eight (8) feet.

FG. Signs or advertising structures in any residential, P-O, and C-1 zoned districts may not be attached to a building in such a manner that any portion of same extends above the roofline of the building to which it is attached.

H. A-Frame Signs: Within the Business Improvement Area, as defined in Section 5032 of the City Code, such signs may encroach into the right of way up to 2 feet from the property line if, once the sign is in place, there remains an eight (8) foot wide walkable area. Such sign is to be removed during non-operational hours and the sign shall be oriented so it is clearly visible to pedestrians.

SECTION 2017 2016: Clearance of Signs and Advertising Structures.

A. No permit for any sign or advertising structure shall be issued nor shall same be constructed, installed, or erected which has less horizontal or vertical clearance from energized electrical power lines than prescribed by the California Public
Utility Commission, or the Orders of the Division of Industrial Safety, State of California.

B. No sign or advertising structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe.

C. No sign or advertising structure shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance.

D. That free standing signs or advertising structures having a minimum clearance of less than eight (8) feet from finished grade shall not be located within pedestrian or vehicular walkways or travelways. Such signs shall be subject to the setback requirements applicable to buildings in the zoning district where located, unless stated otherwise in this article.

SECTION 2017: Abatement of Illegal Signs.

A. Signs on City Property and Rights-of-way: The Community Development Director, or his designee, may immediately remove any sign located on city property and/or public rights of way which are in violation of this article or which constitute an immediate danger as a traffic or safety hazard as determined by the City Engineer.

B. Permanent or Temporary Commercial Signs and Permanent Noncommercial signs on Private Property:

1. The Zoning Administrator may require any permanent or temporary commercial sign or permanent noncommercial sign installed, constructed, maintained, or relocated on private property in violation of this article, or otherwise constituting a public nuisance, to be removed within thirty (30) days after providing a written notice to the owner of the sign, if known, and to the owner of the property.

2. Such notice shall state the location of the sign, the nature of the violation, and/or the manner in which the sign constitutes a public nuisance. The notice also shall require the removal or other abatement of the sign before the date specified in the notice. Further, the notice shall state that failure to comply may result in the removal of the sign by the City of Porterville and that the cost of such removal may be imposed on the owner of the property. The notice shall also include instructions for the filing of an appeal, Pursuant to Article 30 of this Ordinance, of the determination of the Zoning Administrator that the sign is in violation of this article or constitutes a public nuisance.
3. If an appeal is received prior to the date specified in the notice, abatement proceedings shall be suspended, and any deadlines shall be suspended, pending the outcome of such appeal.

4. Notices referred to in this section shall be served by posting on the property on which the sign is located and by registered or certified mail delivery, postage prepaid to the owner of the property, and, if known, the owner of the sign.

5. If the sign is not removed or otherwise abated by being brought into compliance with this article after any appeals have been resolved and any deadlines have passed, the Zoning Administrator shall cause the removal of the sign at the expense of the owner of the property and the owner of the sign, if known. Expenses shall include any and all administrative costs, court and/or legal fees, including reasonable attorney’s fees, incurred in the abatement and shall become the responsibility of both the owner of the property and the owner of the sign.

SECTION 2018:  Signs in Agricultural and Residential Zones.

A. The following signs are permitted in Agricultural and Residential zones in addition to those exempted by Section 2006.

1. One sign per street frontage for each housing development or institutional use, not to exceed twenty (20) square feet in area, nor ten (10) feet in height and containing no advertising matter except the name and street address of the housing development or institutional use.

2. One sign for each church not to exceed twenty (20) square feet in area.

3. Directional subdivision signs in accordance with the provisions of Section 2011 and promotional, campaign, and political signs in accordance with the provisions of Section 2012.

SECTION 2019: Advertising in P-O and C-1 Zones.

A. The following regulations shall apply to all signs and advertising structures in the Professional Office (P-O) zone, and Neighborhood Commercial (C-1) zone.

B. No sign shall be permitted that does not pertain directly to an approved business service or activity conducted on the premises except as provided in Section 2011 and Section 2012, or unless exempted by Section 2006.
B. Business Identification Signs: Not more than two (2) signs are permitted for the same business per business frontage and the total advertising area allowed for any business in the aggregate shall not exceed one (1) square foot for each linear foot of business frontage occupied by said business up to a maximum of sixty (60) square feet, excepting that:

1. A business occupying less than twenty linear feet of business frontage shall be permitted maximum advertising area of twenty (20) square feet.

2. A business with more than one frontage shall be allowed signs on each of said frontages. The total advertising area allowed for the additional signs shall be computed in conformance with the above ratio.

C. When an exterior wall of a building faces abutting property in an R Zone, no advertising sign shall be painted or placed on such wall, or on any portion of the lot between said wall and said R Zone.

D. Signs attached to a building shall be mounted parallel to the face of the structure and shall not project more than eighteen (18) inches from the main building or its attached canopy, nor shall such sign exceed the roofline of the building to which it is attached.

E. Business Identification Signs:

1. Not more than two (2) signs shall be permitted for the same business per business face.

2. The total advertising area of all signs shall not exceed 15% of the total business face area except that a minimum of twenty (20) square feet and a maximum of sixty (60) square feet of total advertising area will be permitted for each business face.

3. Except as otherwise prohibited, the total allowed signage may be concentrated or distributed among building walls and free standing signs.

4. No sign affixed to a building shall exceed the height of the roofline of that building.

5. A maximum of one freestanding business identification sign shall be permitted for each business face.

   a. No more than one freestanding sign for any business may face any street.

   b. The area of a single face of any freestanding sign shall be included in the maximum allowed sign area.
c. The total height above the finished grade at the front property line shall not exceed twenty (20) feet in height.

d. Freestanding signs shall comply with all requirements relating to location, size, area, projection over public right-of-way, eight, total signage area and/or setbacks contained herein and elsewhere within the Municipal Code.

e. Freestanding Business Identification signs shall be subject to the setback requirements applicable to buildings in the zoning district where located.

F. Center Identification Signs: One (1) free standing Center Identification sign shall be permitted for integrated developments of five (5) or more separated businesses, providing that:

1. The total area of said sign shall not exceed forty (40) square feet plus five (5) square feet for each additional business in the center over five up to a maximum area allowed of one-hundred (100) square feet.

2. Said sign shall not exceed twelve (12) feet in height above the highest finished grade at the front property line.

3. Said sign Notwithstanding Section 2016.D, Center Identification signs, including signs with less than eight (8) feet clearance above finished grade, or ground sign may be permitted in the front setback area within the P-O zone, provided that no such sign shall be located within a ten (10) foot radius of the corner property lines of a corner lot.

G. Window signs advertising sales, cut rates, weekend specials and similar sales and promotions shall be permitted, provided that such signs shall be limited to covering a maximum of 50% of the area of a window and that such signage is calculated into the total allowable signage of 15% of business face. Window signs that are not painted on to the window surface must meet the intent of Section 2013A and shall only be permitted on the interior side of the building or structure through which they are viewed.

H. Banners, Handheld Signs, Portable Signs and Inflatable Signs: Banners, handheld signs, portable signs, and other similar temporary advertising devices shall be prohibited except for business openings, special events, and promotional events.

1. A Temporary Sign Permit shall be secured prior to the installation or display of any such sign. Issuance of a temporary sign permit may be contingent upon the overall permissible area available for temporary signs within a geographic area as identified in Section 2019 (H) 6. In addition,
the application would be reviewed in light of other temporary sign permit applications submitted for the same area, which may put such signs in conflict with Section 2019 (H) 6.

2. A Temporary Sign Permit shall be granted for any one business or building for a period of three calendar months. A Temporary Sign Permit shall authorize the business to display one banner, handheld sign, portable sign or inflatable sign per business face for the duration of the sign permit.

3. No more than one Temporary Sign Permit shall be in effect simultaneously for any business.

4. Each business shall be limited to a maximum of three Temporary Sign Permits in any calendar year. Permits valid in two calendar years shall be counted within the earlier calendar year.

5. Each business shall be limited to a maximum of one Temporary Sign Permit for the purpose of advertising a “Going Out of Business Sale,” or the equivalent in any calendar year.

6. Unless otherwise authorized by a signage plan adopted by the City Council as a component of a Design Overlay Site Review or Planned Development Specific Plan, freestanding Temporary Signs for multiple tenants of any one building, shopping center, office complex, or unified development, shall be separated by a minimum of 100 feet.

7. All banners, regardless of their ratio allowance of signage to building face, shall not exceed 25 sq. ft.

SECTION 2020: Advertising in C-2, C-3, C-H, M-1, M-2, and A-D Zone.

A. The following regulations shall apply to all signs and advertising structures in the C-2, C-3, and C-H Commercial zones, in the M-1 and M-2 Industrial zones, and in the A-D Airport Development zone.

4.B. No sign shall be permitted that does not pertain directly to an approved business service or activity conducted on the premises except as provided in Section 2011 and Section 2012, or unless exempted by Section 2006.

2.C. Business Identification Signs: Not more than four (4) signs are permitted for the same business per business frontage and shall be subject to the following:

1. Not more than four (4) signs shall be permitted for the same business per business face.
a.2. Their total advertising area of all signs shall not exceed either:

(i)a. Fifteen percent (15%) of the total business face area to which signs pertain, or forty (40) square feet, whichever is greater, for businesses conducted primarily within a building, or;

(ii)b. One (1) square foot per linear foot of display frontage up to fifty (50) feet plus one-half (2) square foot for each additional linear foot of display frontage to which such signs pertain for businesses conducted primarily outside of a building.

3. No sign affixed to a building shall exceed the height of the roofline of that building.

e.4. Freestanding business identification signs, permanent reader panels, or combinations thereof and their supporting structures, provided that: A maximum of one freestanding business identification sign shall be permitted for each business face.

(i) Their total height above the finished grade at the front property line does not exceed thirty (30) feet in height.

(ii) All other stipulated requirements relating to location, size, area, projection over public right-of-way, height, total signs or setbacks contained herein have been satisfied.

(iii) A business with frontage on more than one street shall be allowed additional signage on each street frontage, computed by the above formula.

(iv) No ground sign shall be located or constructed in any manner which could constitute a hazard to vehicular or pedestrian traffic on public or private property, and shall be subject to all of the regulations in this chapter.

a. No more than one freestanding sign for any business may face any street.

b. The area of a single face of any freestanding sign shall be included in the maximum allowed sign area.

c. The total height above the finished grade at the front property line shall not exceed thirty (30) feet in height.

d. Freestanding signs shall comply with all requirements relating to location, size, area, projection over public right-of-way, height.
total signage area and/or setbacks contained herein, and elsewhere in the Municipal Code.

e. Freestanding Business Identification Ground signs shall be subject to the setback requirements applicable to buildings in the zoning district where located.

vi)f. Signs displayed on awnings, canopies, and marquees shall be subject to all of the regulations as stipulated in this chapter.

vi)g. When an exterior wall of a building faces abutting property in an R zone, no advertising signs shall be painted or placed on such wall, or on any portion of the lot between said wall and said R zone.

vi)h. The total advertising area permitted within this section shall include all business identification signs in the aggregate, visible from the exterior of the business.

3D. Center Identification Signs: In addition to the above, one (1) center identification sign per street frontage is allowed for integrated developments of five (5) or more separate businesses, subject to the following:

a.1. The combined sign area of the center identification sign does not exceed thirty (30) square feet per one hundred (100) lineal feet of the street frontage on which the sign is located, provided, however, that no one sign shall exceed three hundred and twenty (320) square feet per face.

b.2. No sign is permitted for frontage areas, located adjacent to residentially zoned districts, within a projection of the adjacent residential building setback line.

e.3. No sign shall exceed twenty (20) feet in height above the highest finished grade of the center at the street right-of-way line.

d.4. No sign shall be located within twenty (20) feet of the side property lines on interior lots, or in such a manner as to constitute a hazard to pedestrian or vehicular traffic.

4.E. Window Signs: signs advertising sales, cut rates, weekend specials and similar sales and promotions shall be permitted, provided that such signs shall be limited to covering a maximum of 50% of the area of a window. Window signs made of paper, cardboard, or similarly unstable material, are permitted only shall only be permitted on the interior side of the building or structure through which they are viewed.
F. Banners, Handheld Signs, Portable Signs and Inflatable Signs: Banners, handheld signs, portable signs, and other similar temporary advertising devices shall be prohibited except for business openings, special events, and promotional events.

1. A Temporary Sign Permit shall be secured prior to the installation or display of any such sign. Issuance of a temporary sign permit may be contingent upon the overall permissible area available for temporary signs within a geographic area as identified in Section 2020 (F) 6. In addition, the application would be reviewed in light of other temporary sign permit applications submitted for the same area which may put such signs in conflict with Section 2020 (F) 6.

2. A Temporary Sign Permit shall be granted for any one business or building for a period of three calendar months. A Temporary Sign Permit shall authorize the business to display one banner, handheld sign, portable sign or inflatable sign per business frontage for the duration of the sign permit.

3. No more than one Temporary Sign Permit shall be in effect simultaneously for any business.

4. Each business shall be limited to a maximum of three Temporary Sign Permits in any calendar year. Permits valid in two calendar years shall be counted within the earlier calendar year.

5. Each business shall be limited to a maximum of one Temporary Sign Permit for the purpose of advertising a “Going Out of Business Sale,” or the equivalent in any calendar year.

6. Unless otherwise authorized by a signage plan adopted by the City Council as a component of a Design Overlay Site Review or Planned Development Specific Plan, freestanding Temporary Signs for multiple tenants of any one building, shopping center, office complex, or unified development, facing a common street frontage shall be separated by a minimum of 100 feet.

7. All banners, regardless of their ratio allowance of signage to building face, shall not exceed 25 sq. ft.

SECTION 2021: Advertising in the P-D and O-A Zones.

A. The following regulations shall apply to all signs and advertising structures in the Planned Development (P-D), and Open Area (O-A) zones.
1. No sign shall be permitted that does not pertain directly to an approved business, service, or activity conducted on the premises except as may be provided in Section 2011 and Section 2012 or unless exempted by Section 2006.

2. All signs and advertising structures shall conform to a uniform sign program approved by the City Council in accordance with the Conditional Use Permit provisions of Article 29 contained within this Ordinance.
CITY COUNCIL AGENDA: NOVEMBER 7, 2006

PUBLIC HEARING

SUBJECT:  ZONING ORDINANCE AMENDMENT 2006-9 AN ORDINANCE AMENDING VARIOUS SUBDIVISION REGULATIONS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING

COMMENT: On April 20, 2004 the City Council directed Staff to advertise for public hearing for a general amendment to the Municipal Code pertaining to Subdivision regulations, procedures and technical updates. These items were identified as State mandated updates and amendments that regulate and improve development impacts without requiring a comprehensive review of the ordinance. The City Council also expressed an interest in improving and expediting current regulations in part due to the significant number of committees the Community Development Department is involved with.

Per direction of the City Council, Staff has prepared amendments to the Subdivision Ordinance and Municipal Code regulations concerning State mandated updates to Subdivision Map Act, discontinuance of the Subdivision Review Committee, and the inclusion of Land Maintenance District (LMD) and Pocket Park components. In the development of the proposed Ordinance Amendment, Staff met with the representatives of the development community and the Building Industry Association. The only point of contention staff is aware of is with the requirement to include pocket parks in the subdivisions. If the requirement is codified, the method incorporated into the draft ordinance for determining requirements for pocket parks was generally agreed upon as being the most efficient.

The proposed amendments address each of the areas that City Council has expressed concern to improve and update. The additional components proposed regarding LMD’s and pocket parks clarify and define processes that Council has consistently required on projects submitted for new development. In addition, the modifications proposed for Chapter 21, Articles I-IX of the Porterville Municipal Code, ensure consistency with the Zoning Ordinance.

RECOMMENDATION: That the City Council:

1. Approve the proposed draft Ordinance Amendment; and give first reading to the draft ordinance.
2. Waive further reading of the draft Ordinance, approve Ordinance 2006-9 amending Chapter 21 Articles I-IX of the Municipal Code pertaining to subdivision regulations and order to print.


Item No. 25
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE
MUNICIPAL CODE IN CHAPTER 21 ARTICLES I THROUGH IX
AS THEY PERTAIN TO SUBDIVISIONS

WHEREAS: The City Council directed Staff to prepare and amendment to the Subdivision Ordinance pertaining to streamlining the review process, and updating those sections that are no longer consistent with the Subdivision Map Act of the State of California; and

WHEREAS: At subsequent Council meetings, the City Council directed Staff to codify the requirement for the creation of Lighting and Landscaping Maintenance Districts and the provision of Pocket Parks within proposed subdivisions; and

WHEREAS: Staff has worked with representatives of the development community and the Building Industry Association in the preparation of the amendment; and

WHEREAS: The City Council considered the proposed amendment on November 7, 2006, at a public hearing held before the City Council pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of the City; and

WHEREAS: Pursuant to State and local environmental regulations, it has been determined that the regulations encompassed in this Ordinance are exempt from the California Environmental Quality Act, and as a general rule, a Notice of Exemption is filed.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend Porterville Municipal Code Chapter 21 Articles I-IX and the Subdivision Ordinance as follows:

SECTION 1: Chapter 21 Articles I-IX of the City of Porterville Municipal Code and Subdivision Ordinance is hereby amended to read as follows:

SUBDIVISIONS

ARTICLE I. GENERAL PROVISIONS

Sec. 21-1. Authority for local regulations.
This chapter is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the Subdivision Map Act. (Ord. No. 1153, * 1, 7-18-78)
Sec. 21-1.1. Purpose and scope.
The subdivision ordinance is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the subdivision ordinance is adopted in order to achieve the following objectives:

(a) To aid in the implementation of the general plan of the City of Porterville, and elements thereof, as adopted by the city council.

(b) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

(c) To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.

(d) To accommodate new development in a manner which will preserve and enhance the city's living environment and create new beauty through skilled subdivision design.

(e) To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.

(f) To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.

The subdivision ordinance is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the State of California, and any future amendments thereto, and repeals all other regulations of the City of Porterville in conflict with this article; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations contained in this article shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the City of Porterville. The provisions of this chapter shall be in addition to and shall be considered as supplemental to the provisions of the Subdivision Map Act of the State of California, as now in effect or hereinafter amended. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-1.2. General responsibilities.
(a) Subdivider. The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Porterville. He shall process said maps in accordance with the regulations set forth herein.
(b) **Community development director.** The Community development director or
designee shall be responsible for design analysis for conformity with the general plan and the
zoning ordinance; for the environmental quality of the subdivision design; and for the expedient
processing of subdivision maps, parcel maps, and reports, as provided herein.

(c) **Public Works Director/City engineer.** The public works director/city engineer
shall be responsible for reporting to the city council as to engineering requirements of the
proposed public improvements, and whether the proposed public improvements are consistent
with the regulations contained herein and for the inspection and ultimate approval of all public
improvements. The city engineer shall also have the authority to act on behalf of the city council
in accepting dedications of all streets, alleys, including access rights and abutter’s rights,
drainage easements, elementary school sites, parks, and other easements and parcels of land
intended for public use.

(d) **Parcel map committee.** The city parcel map committee shall be the designated
advisory agency for parcel map subdivisions and shall have the authority to approve,
conditionally approve or disapprove tentative parcel maps.

(e) **Reserved.**

(f) **City council.** The city council shall approve tentative and final subdivision maps,
establish requirements for and standards of design of public improvements, and accept land and
public improvements that may be proposed for dedication as part of a subdivision. The city
engineer is authorized to accept all dedications that are not offered on a subdivision map
approved by city council (e.g., dedications for parcel maps, individual parcels, etc.). (Ord. No.
1153, ’1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, ' A(1), 8-19-86; Ord. No. 1590, " A, 2-
20-01; Ord. No. 1614, ’4, 9-17-02)

**Sec. 21-1.3. Appeals.**

(a) **Parcel map committee actions.** The subdivider or any interested person adversely
affected may appeal any decision, determination or requirement of the parcel map committee by
filing a notice thereof with the City Clerk, as specified in section 21-33 hereof.

(b) **Hearing of appeals.** Upon the filing of such an appeal, the city council shall set
the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing
the appeal. Within ten (10) days following the conclusion of the hearing, the city council shall
render written decision on the appeal. (Ord. No. 1153, ’1, 7-18-78; Ord. No. 1274, 1-4-83; Ord.
No. 1362, ' A(2); 8-19-86; Ord. No. 1614, ’4, 9-17-02)

**Sec. 21-1.4. Authority to vary regulations.**

The parcel map committee/city council with respect to tentative parcel maps and tentative
subdivision maps respectively, can modify any of the requirements and regulations set forth in
this chapter, or the Zoning Ordinance (Appendix A of the Municipal Code) as it pertains to lot
design, subject to the approval of a conditional use permit. Variation of regulations is applicable
when there are natural features such as topographic constraints and soils conditions that may
warrant modified standards. Application for any such modification shall be made in writing by
the subdivider in the form of a conditional use permit application, stating fully the grounds of the
application and the facts relied upon by the subdivider. Such application shall be filed with the
tentative map of the proposed land division. If in the opinion of the Community Development
Director and Public Works Director/City Engineer the on- and/or off-site improvements, phasing
and/or type of improvements necessitate it, a development agreement may be required between
the City and the developer. In order for the property referred to in the application to come
within the provisions of this section, it shall be necessary that the city council or parcel map
committee find the following facts with respect thereto:

(a) That there are special circumstances or conditions affecting such property.

(b) That the modification is necessary for the preservation and enjoyment of a
substantial property right of the petitioner.

(c) That the granting of the modification will not be detrimental to the public
welfare or injurious to other property in the territory in which such property is
situated.

(d) That the exception is appropriate for the proper design and/or function of the
subdivision.

(e) That the granting of the exception is consistent with the general plan.

Sec. 21-1.4.a. Exception to Conditional Use Permit requirement

As it pertains to tentative parcel maps and tentative subdivision maps, exceptions to
regulations pertaining to lot depth, reverse corner lots, street length and width, and double
frontage lots shall be processed with the tentative map and shall not be subject to a conditional
use permit per Sec. 21-1.4. Exceptions from additional subdivision design standards and/or
standards pertaining to the lot design within particular zones shall be subject to the approval of a
conditional use permit.

(a) Action on exceptions: In the event that the proposed exceptions represent more
than exceptions from lot depth, reverse corner lots, street length, and double frontage lots, the
city council shall approve, conditionally approve or disapprove the application for a conditional
use permit pertaining to a tentative map in a public hearing held concurrently with the proposed
tentative map. The parcel map committee shall consider the exceptions not subject to a
conditional use permit during the public hearing at which it considers the tentative parcel map.

(b) Appeals: When the parcel map committee has acted on an application for an
exception, in accordance with the provisions of this article, any interested person may appeal to
the (city clerk) pursuant to the procedures and within the time limits set forth in section 21-33 of
this chapter. City Council decisions are final upon adoption of the resolution. (Ord. No. 1369, 'B(1), 12-2-86; Ord. No. 1386, 'A(1), (2), 8-18-87)

Cross references Parcel map committee generally, '21-29; parcel maps, '21-30 et seq. (Ord.
No. 1153, '1, 7-18-78; Ord. No. 1362, 'A(3), 8-19-86; Ord. No. 1369, 'A(1), 12-2-86)
Sec. 21-1.5. **Validity.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The city council of the City of Porterville, California, hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases be declared invalid or unconstitutional. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-1.6. **Grounds for denial of tentative subdivision or parcel maps.**

A tentative map or parcel map shall be denied approval or conditional approval in the event any one of the following findings is found to prevail by the legislative body:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. No. 1327, 4-2-85)
ARTICLE II. DEFINITIONS

Sec. 21-2. Definitions.
Whenever any words or phrases used in this chapter are not defined herein, but are
defined in the Subdivision Map Act of the State of California, or in the zoning ordinance of the
City of Porterville, such definitions are incorporated herein and shall apply as though set forth
herein in full, unless the context clearly indicates a contrary intention.

_Alley_ shall mean a street providing only secondary access to abutting property.

_Arterial_ shall mean a street designated by the circulation element of the general plan to
serve high-volume inter- and intra-city traffic, and to act as a distributor between freeways,
other arterials, and major traffic generators.

_Block_ shall mean an area of land within a subdivision entirely bounded by any streets
(other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries
of the subdivision.

_City engineer_ shall mean the Porterville city engineer.

_Collector street_ shall mean a street designated by the circulation element of the general
plan to collect and distribute traffic between local streets and arterials.

_Community apartment project_ shall mean a property conforming to the definition set
forth in Section 11004 of the Business and Professions Code, State of California.

_Community development director_ shall mean the Porterville community development
director.

_Condominium_ shall mean a property conforming to the definition set forth in Section 783
of the Civil Code of the State of California.

_Cul-de-sac_ shall mean a local street open at only one end, which has a turnaround for
vehicles at the closed end.

_Final map_ shall mean a map, prepared in accordance with the provisions of the
Subdivision Map Act and of this chapter, designed to be placed on record in the office of the
Tulare County Recorder.

_Freeway_ shall mean a divided arterial highway designated for through traffic having
grade separated intersections and full control of access.

_Frontage road_ shall mean a street adjacent and auxiliary to a freeway or arterial, and
separated by a divider strip, which street provides access to abutting property.
General plan shall mean all elements of the general plan of the City of Porterville, as adopted and duly amended from time to time by the city council.

Industrial Street shall mean a street which serves an industrial area and connects said area to the major street system.

Intersection shall mean the place at which two (2) or more streets meet.

Local street shall mean a street which provides direct access to abutting properties, primarily in residential districts. districts with more than 400 average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

Lot shall mean a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map, or parcel map.

Map Act shall mean the Subdivision Map Act of the State of California Government Code.

Minor Street shall mean a street which provides direct access to abutting properties, primarily in residential districts with 400 or fewer average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

Parcel map shall mean a map prepared in accordance with the provisions of this chapter, designed to be placed on record in the office of the Tulare County Recorder, and providing for the division of land which meets the exceptions set forth in section 66426 of the Subdivision Map Act.

Parcel map committee shall mean a staff committee composed of the Community development director, city engineer and fire chief, or their designees.

Preliminary map shall mean a map to be submitted to the Community development director or designee prior to the filing of a tentative map, to show the general characteristics of the proposed subdivision and any other data necessary to enable the project review committee to review the proposed subdivision design.

Public improvement shall mean street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

Public Works Director means director of Porterville’s public works operation

Standard plans and specifications shall mean all the standard plans and specifications prepared by the city engineer and approved by resolution of the city council.
Street shall mean an improved facility used for vehicular traffic.

Subdivider shall be as defined in section 66423 of the Map Act. (Ord. No. 1537, 'B69, 8-6-96; Ord. No. 1614, '4, 9-17-02)

Subdivision shall be as defined in Section 66424 of the Map Act.

Subdivision Design shall mean the overall layout of the proposed subdivision including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and locations of easements and rights of way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

Tentative Map shall mean a map made in accordance with the provisions of the Map Act to show the design of a proposed subdivision and the existing conditions in and around said subdivision. It need not be based upon a detailed final survey of the property, except as otherwise provided in this Article and the Map Act; however, it shall be graphically accurate to reasonable tolerances.

Vesting tentative map shall mean a tentative map for a subdivision that shall have printed conspicuously on its face the words vesting tentative map at the time it is filed in accordance with section 21-18.1(f), and is thereafter processed in accordance with the provisions hereof.


ARTICLE III. DESIGN AND CONSTRUCTION STANDARDS

Sec. 21-3. Streets and highways.

(a) The street and highway design shall conform both in width and alignment with any general plan circulation element, precise street plans and other precise plans adopted by the city council, and right-of-way for any such street or highway indicated on the general plan or precise plans shall be dedicated to the city by the subdivider.

(b) Streets and highways not otherwise designated on the circulation element of the general plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes and, when determined necessary, by the city council in the public interest. Approval or determination of street classification shall be made by the city council.

<table>
<thead>
<tr>
<th>Street Class</th>
<th>Right-of-Way (feet)</th>
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<tbody>
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</table>
Divided arterial streets .................. 110
Undivided arterial streets .................. 84
Collector streets .......................... 60
**Local streets** .......................... 60
Minor streets ............................. 50
Culs-de-sac ............................... 50
Frontage road ............................. 50

(c) **Relationship to existing streets.** The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

(d) **Center lines.** The center lines of all streets, wherever practicable, shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred fifty (150) feet.

(e) **Intersections.** Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the city engineer.

Corner cut-offs - At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.

(f) **Cul-de-sac or dead-end streets.** No cul-de-sac or dead-end street shall be more than six hundred (600) feet in length. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround. In all other cases, a turnaround having a minimum radius of forty-seven (47) feet, measured to the property line, and minimum of forty (40) feet to curb face shall be required.

(g) **Curve radius.** The center line curve radius on all streets shall be designed in accordance with acceptable safe engineering practices. No case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.

(h) **Frontage streets.** When any lots front or side on any arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not front onto and take access to/from arterial or collector streets.

(i) **Private roads** and alleys shall not be permitted unless a conditional use permit is approved by the city council and, if approved, all private roads or alleys shall be constructed to city standards.
(j) *Grades of streets* shall not be less than two-tenths (0.2) percent and not greater than seven (7) percent, unless because of topographical conditions or other exceptional conditions the city engineer determines that a grade less than two-tenths (0.2) percent, or in excess of seven (7) percent, is necessary.

(k) The position of a street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire suppression unit.

(l) *Access on arterials.* Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, 'A(5), 8-19-86)

(m) Access on collectors. The parcel map committee or city council may prohibit the use of a collector as primary direct access to individual single family residential lots. Where such access is permitted, the parcel map committee or city council may require the use of circular drives, or other forms of vehicular turnarounds to prevent backing onto public streets. When the rear or side of any lot abuts a collector street, the parcel map committee or city council may prohibit the right of ingress/egress.

Sec. 21-4. **Alleys.**

(a) The city council, for any one of the following reasons, may require alleys (if alleys are required, they shall be constructed to city standards):

1. Unusual size, shape or topographical character of the property to be subdivided.

2. The relationship to existing or proposed commercial, industrial or high-density residential development or adjacent railroad right-of-way.

3. The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage.

4. The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.

(b) Residential alleys shall have a minimum dedicated width of twenty (20) feet.

(c) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate provisions for ingress and egress.

(d) A twenty (20) foot corner diagonal cutoff, measured along the property lines from the point of intersection, will be required where two (2) alleys intersect. A disabled ramp shall be constructed pursuant to the City standard design.
(e) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

(f) Dead-end alleys shall be prohibited. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1362, ' A(6), 8-19-86)

Sec. 21-5. Street names.
(a) All street names shall be approved by the city council. Duplication of existing names shall not be allowed, unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.

(b) Names of through streets in a north-south alignment shall be followed by the designation street, and the names of through streets in an east-west alignment shall be followed by the designation avenue.

(c) Cul-de-sac streets in a north-south alignment shall be followed by the designations of either place, way or drive, and cul-de-sac streets in an east-west alignment shall be followed by the designations of either lane, circle or court. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1362, ' A(7), 8-19-86)

Sec. 21-6. Blocks.
(a) Block length. Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Long blocks shall be provided adjacent to major and collector streets or highways in order to minimize the number of street intersections.

(b) Block width. The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots, wherein of a size required by the provisions of this article, unless the conditions justify or make necessary a variation from this requirement. (Ord. No. 1153, ' 1, 7-18-78)

Sec. 21-7. Lots.
(a) Lot width.

(1) Each residential lot or parcel shall have frontage width of not less than that required by the zoning ordinance—except as approved by the City Council.

(2) Each residential lot or parcel on a dead-end street, cul-de-sac or on a curved street, when the side lines thereof are diverging from the front to the rear of such lot or parcel, shall have a width not less than that required by the zoning ordinance, measured along the front yard building setback line established by the required front yard for the main building and between the side lines of such lot or parcel; said line shall be parallel and concurrent with the front lot line.

(3) Corner residential lots shall have an extra width of five (5) feet necessary for maintaining the required side yard area.
(b) *Lot depth.* The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. The depth of all other lots shall be as required by the zoning ordinance.

(c) *Lot area.* The area of all lots shall comply with the requirements of the zoning ordinance relative to each particular zoning district.

(d) *Lot frontage.* Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the city council, topographic or unusual physical conditions justify a deviation from this rule.

(e) *Side lines.* The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.

(f) *Lot numbering.* Lot numbers shall begin with the numeral 1, and shall continue consecutively through all of the units of the tract with no omissions or duplications, and no block numbers shall be used.

(g) *Division of lots.* No lot shall be divided by a county, city, school, or any other taxing district boundary lines.

(h) *Suitability of lots.* All lots shall be suitable for the purpose for which they are intended to be used. Land subject to flooding or deemed by the parcel map committee, or city council to be uninhabitable shall be indicted on the final map.

(i) *Land remnants.* All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

**Sec. 21-8. Access Limitation Strips.**

(a) A one (1) foot access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.

(b) Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates. (Ord. No. 1153, '1, 7-18-78)

**Sec. 21-8.5. Landscaping and Lighting Maintenance Districts**

(a) Each subdivision shall be subject to the creation of a Landscaping and Lighting Maintenance District in compliance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code § 22500 et. seq. to address the extension of improvements such as but not limited to lighting, common landscape areas, perimeter walls, drainage systems, drainage reservoirs, and open space areas, and the maintenance of such facilities.
(b) Prior to the approval of improvement plans for a development, the developer/applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:

1) A petition on a form provided by the city requesting to have the subdivision placed in a landscaping and lighting maintenance district at the time the final map is approved by the City.

2) Completed and approved landscaping and lighting improvement plans, legal description, etc.

(c) The Landscaping and lighting maintenance district shall be established, or the annexation into an existing District concluded, and landscape and lighting improvements completed and accepted concurrently with the other improvements in the subdivision.

(d) Exclusive of assessments for a Landscaping and Lighting Maintenance District, the developer/applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a 90 day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Landscaping and Lighting Maintenance District.

Sec. 21-8.6 Provision of Recreational Open Space (Pocket Park) within Residential Subdivisions

(a) Single-family residential subdivisions, whether attached or detached, shall be designed with recreational open space that is centrally located and designed to serve residents within the development. The recreational open space shall be designed to accommodate a mixture of active and passive recreational opportunities to include, but not be limited to, tot lots, basketball courts, picnic tables/shelters and landscaping conducive to outdoor activities. The minimum area allotted to recreational open space is based on the number of residential units proposed in a development as follows:

<table>
<thead>
<tr>
<th>Number of D.U.'s</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 49 d.u.'s</td>
<td>None required</td>
</tr>
<tr>
<td>50 or more d.u.'s</td>
<td>2% of site area*</td>
</tr>
</tbody>
</table>

* Site area refers to the aggregate area of lots within the specific development.

(b) Whenever practicable, the recreation open space shall be developed concurrently with the first phase of development of the subdivision. The requirement for recreational open space does not apply to the Suburban Residential (R-A) Zone or the One Family Estate (R-E) Zone or to residential subdivisions within a ¼ mile radius of an improved City park other than a pocket park provided by similar preceding residential development.

(c) A developer may make dual use of an on-site drainage basin if the City Engineer determines that the primary use of the basin can be achieved. A minimum of 30% of the recreation open space must be provided outside of the drainage basin restricted area, and dual use areas must be designed to adequately afford recreational use.
(d) A PCC or masonry fence is required to be constructed along all common property lines with residential lots bordering the recreational open space.

Sec. 21-9. Grading and erosion control.
Every map approved pursuant to this article shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in appendix chapter 33 of California Building Code, of the most recently adopted edition. (Ord. No. 1153, ’1, 7-18-78; Ord. No. 1274, 1-4-83) Steep terrain and other topographical features may limit the abilities of a developer to perform mass grading operations. At the discretion of the public works director/city engineer, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

Sec. 21-9a. Storm Water Management Plan
Every map approved pursuant to this article shall be conditioned to comply with the requirements of the City’s Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

Sec. 21-10. Watercourses.
(a) In the event that the subdivision is traversed by any watercourses, channels, streams or creeks, the subdivider shall dedicate rights-of-way or easements for access and maintenance purposes conforming substantially with the lines of such watercourses, channels, streams or creeks.

(b) The city council may disapprove a tentative map of a subdivision because of flood hazard and inundation, and require protective improvements to be constructed as a condition precedent to approval of the map. (Ord. No. 1153, ’1, 7-18-78; Ord. No. 1362, ’A(9), 8-19-86)

Sec. 21-11. Drainage Reservoirs
(a) Temporary drainage reservoirs will only be allowed in areas where it has been determined by the public works director/city engineer that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan. Landscape and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services. Maintenance of these facilities shall be part of the Landscape and Lighting Maintenance District created for the benefit of the subdivision.

(b) Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the City in Fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City’ Storm Drain Master Plan and City’s Property and Right of Way Acquisitions Policy and Procedures Manual. Landscaping and irrigation systems shall be installed as approved by the director of parks and leisure services.
(c) Temporary drainage reservoirs may be approved until such time as Storm Drain Master facilities are available for connection and shall be dedicated to the city as an easement (Ord. No. 1274, 1-4-83).

ARTICLE IV. PRELIMINARY MAP

Sec. 21-13. Preliminary review.

Prior to the filing of a tentative map, the subdivider shall submit to the community development director or designee nine (9) copies, or as may be determined at the time of submittal, of a preliminary map to indicate the essential characteristics of the subdivision. The preliminary map shall be of the same size and scale as that required by this chapter for tentative maps, and shall contain the following minimum information:

(a) Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development which would affect the subdivision.

(b) Name and address of the owner of record, subdivider and engineer or surveyor.

(c) Date, north point and scale showing the general topography contours and features.

(d) Approximate location and widths of proposed and existing street rights-of-way.

(e) Approximate location, average size, and number of lots.

(f) Approximate acreage of proposed tract.

(g) The intended land use and information on utilities, sanitary sewers, drainage, water and other improvements.

The community development director or designee will then, within twelve (12) days, schedule a meeting of the project review committee with the subdivider on the preliminary map. The committee will make such general recommendations to the subdivider as shall seem proper regarding such preliminary map and shall recommend consultations by the subdivider with such other public or private agencies as it shall designate. The project review committee shall furnish written copies of its recommendations to the subdivider and to all other public or private agencies which may be interested. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '4, 9-17-02)

ARTICLE V. TENTATIVE MAP

Sec. 21-14. Map filing procedure and requirements.

(a) Filing tentative map. The subdivider shall file with the Community development director or designee ten (10) copies, one photo-ready master (11” X 17” maximum) and one (1) copy of the owner’s statement (if not included on the tentative map), all in accordance with the requirement of this article, of each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the city council. The Community
development director or designee shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, masters, and accompanying data are deposited in the office of the director. (Ord. No. 1614, '4, 9-17-02)

(b) Not later than thirty (30) calendar days after the Community development director or designee has received an application for a tentative map approval, the Community development director or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Community development director or designee's determination shall specify identify those parts of the application which are complete, and shall specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete. The Community development director or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. (Ord. No. 1614, '4, 9-17-02)

(c) Distribution of tentative map. Within ten (10) days of acceptance of a tentative map of a subdivision, the Community development director or designee shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after distribution of the tentative map, forward to the community development director or designee a written report of its findings and recommendations thereon. The Community development director or designee shall prepare a written report on the conformity of the tentative map to the provisions of the general plan, the zoning ordinance, and all other applicable requirements of this and other ordinances and regulations of the City of Porterville. (Ord. No. 1614, '4, 9-17-02)

The public works director/city engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this chapter and the provision of the Subdivision Map Act. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-15. Form of map and content.

The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to perform land surveying or a licensed land surveyor. Tentative maps shall be eighteen by twenty-six inches (18" X 26") in size, and drawn to a scale of not less than one inch equals one hundred feet (1" = 100') or as approved by the Community development director or designee. Every map shall be clearly and legibly drawn and shall contain the following information:

(a) The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.
(c) Partial legal description (1/4 section, township/range)

(d) The tentative map shall contain a legible stamp and signature of the registered civil engineer or licensed surveyor.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III. Design and Construction Standards)

(i) Show typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:

   (1) One (1) foot contour interval for ground slopes between level and five (5) percent.

   (2) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) A preliminary grading plan whenever a subdivision has:

   (1) Any elevation two (2) feet or more in vertical depth and/or any cut slope five (5) feet or more in vertical height;

   (2) Any embankment placed on natural grade greater than three (3) feet in depth with slope steeper than five (5) feet horizontal to one (1) foot vertical. No such embankment shall obstruct a drainage course;

   (3) Any portion with an elevation differential of one and one-half (1-1/2) feet or more from adjacent property.

(m) The approximate widths, location and purpose of all existing or proposed easements.

(n) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.
(o) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(p) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(q) Public areas proposed.

(r) City limit lines.

(s) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.

(t) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(u) If developed in increments, maps shall indicate approximate sequence of development.

(v) For residential subdivisions, the school district and schools serving the subdivision.

(w) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(v) The location and sizes of existing and proposed utility lines and structures.

(w) The elevation of sewers at the proposed connection. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, ' 4, 9-17-02)

Sec. 21-16. Owner's statement and accompanying data.

Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and general plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.
(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-16.1a Transmittal of maps to public agencies and utilities

A. When the tentative map is received and filed under the provisions of this title, the community development director or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

1. Public Works Director/City Engineer
2. Chief Building Official
3. Police Department
4. Fire Department
5. Field Services Manager
6. Office of Intergovernmental Management when required under Section 12037 of the Government Code
7. Tulare County Resource Management Agency
8. Southern California Edison or other affected electric company
9. The Gas Company or other affected gas company
10. SBC phone company or other affected phone company
11. Cable TV companies affected
12. School Districts as required by Section 66455.7 of the Subdivision Map Act
13. Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

B. Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the community development director who shall incorporate them into his or her report and recommendations to the advisory agency.

C. The departments of the city to which the map is transmitted shall file with the community development director within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Subdivision Map Act coming within the jurisdiction of such department.

Sec. 21-17. City council action.

Within the timeframes established in the Permit Streamlining Act the city council shall act thereon, unless an extension is agreed upon by the subdivider as provided for in the Act. If the city council shall find that the proposed map complies with the requirements of this chapter and the Subdivision Map Act, it shall approve the map. If the city council finds that the proposed map does not meet the requirements of this chapter and the Subdivision Map Act, it shall conditionally approve or disapprove such map. Within ten (10) days following the action by the city council, the Community development director or designee shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, '11, 8-19-86; Ord. No. 1614, '4, 9-17-02)
Sec. 21-17.1. Notice of hearing.

Notice of the time and place of any public hearing on a particular matter shall be given by the council or the city clerk by mailing in the United States mail a written notice thereof, not less than ten (10) days prior to such hearing, to every person whose name and address appears on the latest available assessment roll as an owner of the property within the territory covered by such proposed change and within three hundred (300) feet of the outer boundaries thereof.

Such notice shall also be given by at least one (1) publication in a newspaper of general circulation published in the city, at least ten (10) days before the hearing, and by such other means as the council may deem necessary. (Ord. No. 1274, 1-4-83; Ord. No. 1362, '12, 8-19-86)

Sec. 21-18. Expiration of maps and extensions of time.

(a) Expiration. The effective life of an approved tentative parcel map or tentative subdivision map shall comply with the provisions of Sections 66463.5 and 66452.6 of the Subdivision Map Act, respectively.

(b) Extension. Extensions for tentative parcel maps and tentative subdivision maps may be granted pursuant to the provisions of Sections 66463.5 and 66452.6 of the Subdivision Map Act, respectively. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the city council or by the parcel map committee. Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the Community development director or designee prior to expiration of the tentative map, who shall forward such to the city council or parcel map committee. If the parcel map committee denies a subdivider's application for an extension, the subdivider may appeal, in writing, to the city council within ten (10) days after the parcel map committee has denied the extension. (Ord. No. 1614, '04, 9-17-02)

Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original parcel map committee or city council resolution which approved or conditionally approved the tentative map. If it can be reasonably demonstrated that any one (1) of the original mandatory findings of significance used to justify approval or conditional approval of the tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension may be denied.

(c) Time limit on extensions. An extension or extensions of tentative map approval or conditional approval may be approved pursuant to Sections 66463.5 and 66452.6 of the Subdivision Map Act.

The expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included
within the tentative map shall be filed with the city council without first processing a new tentative map. Once a timely filing is made, subsequent actions of the city council or parcel map committee, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the city engineer shall be deemed a timely filing for purposes of this section. (Ord. No. 1153, 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1315, 7-17-84; Ord. No. 1327, 4-2-85; Ord. No. 1362, A(13), 8-19-86; Ord. No. 1404, A, 7-5-88)

(d) **Companion permits.** When a tentative map is approved or conditionally approved in conjunction with a conditional use permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the permit states a different expiration date approved by the City Council. Extensions of time of tentative maps approved with companion conditional use permits or other discretionary permits may also include extensions of time for such companion permits not to exceed the maximum appropriate time limit permitted by Section 21-18c, hereinabove.

**Sec. 21-18.1. Vesting tentative maps.**

(a) **Citation and authority.** This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).

(b) **Purpose and intent.** It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Subdivision Map Act and the subdivision ordinance. Except as otherwise set forth in the provisions of this section, the provisions of the subdivision ordinance shall apply to the vesting tentative map section.

(c) **Consistency.** No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan, or not permitted by the zoning ordinance or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.

(d) **Application.**

(1) This section shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the subdivision ordinance, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

(2) If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.
(e) *Filing and processing.* A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the subdivision ordinance for a tentative map, except as hereinafter provided:

(1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words Avesting tentative map.

(2) At the time a vesting tentative map is filed, a divider may be required to supply the following information in addition to the requirements set forth in sections 21-15 and 21-31:

   a. Height, size, and location of buildings.
   b. Geological studies.
   c. Architectural plans.
   d. Any other studies that are normally deferred to the building permit stage.

(f) *Expiration.* The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by the subdivision ordinance for the expiration of the approval or conditional approval of a tentative map.

(h) *Vesting on approval of vesting tentative map.*

(1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2.

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

(2) Notwithstanding subsection (h)(1), a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

   a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
   b. The condition or denial is required, in order to comply with state or federal law.

(3) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in section 21-18.1(g). If the final map is approved, these rights shall last for the following periods of time:

   a. An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
b. The initial time period set forth in subsection (h)(3)(a) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.

c. A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in subsection (h)(3)(a) expires. If the extension is denied, the subdivider may appeal that denial to the city council within fifteen (15) days.

d. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (h)(3)(a), (b) and (c), the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.

(i) Development inconsistent with zoning; conditional approval.

(1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding section 21-18.1(h)(1), confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

(2) The rights conferred by this subdivision shall be for the time periods set forth in section 21-18.1(h)(3).

(j) Applications inconsistent with current policies. Notwithstanding any provision of this section, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in section 21-18.1(h)(1) and section 21-18.1(i) and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. No. 1345, Exhibit A (Res. No. 1655), 1-7-86; Ord. No. 1362, 'A(14), 8-19-86)

ARTICLE VI. FINAL MAPS

Sec. 21-19. Filing final map.

The subdivider shall file the original and three (3) copies of the final map and required accompanying data with the city engineer. The said final map shall be accompanied by filing fees as specified in the comprehensive fee schedule. When a final map is submitted to the city engineer in accordance with this Code, it shall be accompanied by the following documents:

(a) Improvement plans. The original tracings of detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this chapter, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right-of-way, easement or parcel of land dedicated by the map or
previously dedicated, including the estimated cost thereof, shall be filed with the public works director/city engineer for his approval and signature. All such plans shall be prepared in accordance with the requirements of the public works director/city engineer. Plan sheets shall be twenty-four inches by thirty-six inches (24” X 36”) and a plan and profile drawn to a scale of one inch equals fifty feet (1” = 50’), or an appropriate scale previously approved by the city engineer.

(b) Traverse sheets. Calculation and traverse sheets in a form approved by the city engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.

(c) Design data. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.

(d) Report and guarantee of title. The final map shall be accompanied by a current (within three months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the city council, there shall be filed with the county recorder a guarantee executed by a duly authorized title company for the benefit and protection of the city showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.

(e) Preliminary soils report. A preliminary soil report prepared by a civil engineer registered by the State of California, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be kept on file for public inspection by the city. The preliminary soil report may be waived by the public works director/city engineer if adequate existing data is available as to the soil qualities of the soils of the subdivision.

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the City of Porterville building department.

(f) Improvement agreements. All agreements and improvement security required by state law or this Code.
(g) *Utility statements.* Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities. (Ord. No. 1153, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-20. Form and content.**

The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish and subdivision boundaries.

(d) Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision number shall be shown together with the description of the real property being subdivided.

(e) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

If the map includes a “designated remainder” parcel, and the gross area of the “designated remainder” parcel or similar parcel is five acres or more, that remainder parcel need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

A parcel designated as “not a part” shall be deemed to be a “designated remainder” for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to
additional information required by a local ordinance adopted pursuant to Section 66434.2.

(g) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements vested in another public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

Sec. 21-21. Survey Monument Requirements

(a) At the time of making a survey for final map or parcel map, unless survey is not required pursuant to Section 66448 of the Subdivision Map Act, the engineer or surveyor shall set sufficient durable monuments to conform with city standards so that another engineer or surveyor may readily retrace the survey. At least one exterior boundary line of the land being subdivided be adequately monumentalized or referenced before the map is recorded.

(b) The monuments shall be approved by the city engineer and shall be per city standards. Any monument or bench mark, as required by this section, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the city engineer. (Ord. No. 1153,' 1, 7-18-78; Ord. No. 1274, 1-4-83)

(c) Interior monuments need not be set at the time of the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Subdivision Map Act.

(d) Within five (5) days after the final setting of monuments has been completed, the engineer or surveyor shall give written notice to the subdivider, and to the city engineer that the final monuments have been set in accordance with Section 66497 of the Subdivision Map Act.

Sec. 21-22. Statements and acknowledgments.
The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of final maps, and such certificates may be combined where appropriate:

(a) **Statement by parties holding title.** A statement in accordance with the provisions of Section 66436 of the Map Act.

(b) **Dedication Statement.** A statement in accordance with Section 66439 of the Map Act.

(a) **Engineer's or Surveyor's Statement.** A statement in accordance with Section 66441 of the Map Act.

(b) **Soils Engineer's Statement.** A statement referring to preliminary soils reports on file with the City in accordance with Section 66434.5 of the Map Act.

(d) **Statement to be executed.** Statement for execution by each of the following:

- City Engineer;
- Community Development Director or Designee;
- City Clerk;
- County Recorder.

(e) Notation or reference to survey and map information required pursuant to Section 66434.2 of the Map Act. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1392, 'A(1), 11-17-87; Ord. No. 1614, '4, 9-17-02)

**Sec. 21-23. Dedications**

(a) **Dedications.** All streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use shall be offered for dedication for public use. The council or the city engineer, on behalf of the city council pursuant to Section 1806 (c) of the Streets and Highways Code, may accept said dedications. If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the council or the city engineer may, by resolution at any later date and without any further action by the subdivider, rescind the city's action and accept and open the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Subdivision Map Act. (Ord. No. 1590, 'B, 2-20-01)

(1) Half-streets shall be discouraged in developments except in those situations where warranted and when approved by the city engineer;

(2) Where a full pavement street is constructed along the perimeter of a subdivision, the developer be compensated for this construction by reimbursement agreement between the
developer, the city and the adjoining property owner when development occurs on his property; and

(3) Where a half street-configuration is allowed, the outside edge shall be a thickened design approved by the city engineer, and that when the other half of the street is constructed by development, the developer shall be required to overlay the existing half street with pavement (making for a smooth transition at the center and a smoother traveled way). No parking signs shall be posted by the developer if there are no lots fronting on the half-street.

(4) When there are lots fronting on the half-street the dedication and improvement shall be wide enough to permit two (2) lanes of traffic and on-street parking on one (1) side.

(b) Waiver of direct access right. The city council, at its discretion, may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereof.

Sec. 21-23.1 Reservations

A. As a condition of approval of a tentative map, the subdivider may be required to reserve real property within the subdivision for parks, recreational facilities, fire stations, libraries, freeways or other public uses, subject to the following conditions:

1. Such requirement is based upon an adopted specific plan or an adopted general plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.
2. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.
3. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

B. The reservation area shall conform to the adopted specific plan or general plan and shall be in such multiplies of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

C. The reservation requirement may be in addition to requirements for dedications and/or improvements of property within the subdivision for the same or other purposes.

D. The City shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two years after completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the
reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

E. If the city does not enter into the agreement required, the reservation of such area shall automatically terminate.

**Sec. 21-24. Public improvement agreement.**

Prior to the approval by the city council of the final map, the subdivider shall execute and file an agreement between himself and the city specifying the period within which he shall complete all public improvement work to the satisfaction of the city engineer, and providing that if he shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall also provide for inspection of all public improvements by the public works director/city engineer and that the cost of such inspections shall be reimbursed to the city by the subdivider. (Ord. No. 1153, '1, 7-18-78)

**Sec. 21-25. Improvement security.**

(a) **Security.** The subdivider shall file with the agreement required by the provisions of section 21-24, to assure his full and faithful performance thereof, a bond or security for such sum as the city engineer deems sufficient to cover the cost of the improvements.

(b) **Security, Form, amount.** Such security shall be in the manner, form, and kind provided by the Subdivision Map Act and acceptable to the city attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty (50) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements.

The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year following acceptance of said improvements by the city.

In lieu of a one hundred (100) percent performance bond and fifty (50) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred ten (110) percent of the cost of the work estimated by the public works director/city engineer. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:

1. Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-five (35) days after the filing of the notice of completion.

2. Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety (90) percent of value of work completed, with
authorization of the city engineer until all work is completed and the notice of completion is filed; at which time the remaining funds shall be released thirty-five (35) days thereafter.

(3) Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a one (1) year maintenance bond in the amount of five (5) percent of the estimated cost of improvements.

c) Completion of work by city. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the city shall have completed the same, or if the subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one (1) year guarantee period, the city shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of such bond or certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured in an action to be brought therefore by the city. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-26. Approval by city engineer.

Upon receipt of the final map and other data submitted therewith, the city engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this chapter or any other ordinance and the Subdivision Map Act applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the city engineer shall determine the final map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the city engineer shall determine that full conformity therewith has been made, he shall so certify on said map and shall transmit said map to the city council for approval. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-27. City council approval.

(a) The city council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this chapter and the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.

(b) The council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this article or by law are not completed before the filing of the final map, the council may enter into an agreement with the subdivider for posting improvement security as provided in this chapter. The city engineer, upon the approval of the final map by the city council, shall transmit the map to the clerk of the board of supervisors, who shall record same. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)
ARTICLE VII. PARCEL MAP SUBDIVISION

Sec. 21-28. Purpose. 
This article is adopted in order to establish rules, regulations and specifications for the subdivisions of land described in subsections 66426 a, b, c, and d of the Map Act. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-29. Parcel map committee responsibilities. 
A parcel map committee is hereby created and is designated as the advisory agency and shall review and approve, conditionally approve or disapprove tentative parcel maps. Said parcel map committee shall include the Community development director or designee, the city engineer or his designee and the fire chief or his designee. The Community development director or designee shall serve as committee chairman. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '4, 9-17-02)

Sec. 21-30. Tentative parcel maps; filing. 
(a) Ten (10) copies of the tentative parcel map and one photo-ready master (11”X17” maximum) shall be filed with the community development director or designee. (Ord. No. 1614, '4, 9-17-02)

(b) The tentative parcel map shall be accompanied by an application fee as established by city council resolution.

(c) The Community development director or designee may refuse to accept a tentative parcel map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this article. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-31. Tentative parcel map; form and content. 
The subdivider shall cause the tentative parcel map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to practice surveying or licensed land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18” X 26”). The tentative parcel map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer's scale of not less than one inch equals one hundred feet (1” = 100’), unless the Community development director or designee determines that a different scale will be adequate and appropriate for the tentative map.

The tentative map shall clearly show the following information:

(a) A key map showing the location of the subject property, adjacent property, subdivisions, streets or roads and other development which would affect the tentative map.

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range).
(d) The tentative map shall contain a legible stamp and signature of the registered civil engineer or licensed surveyor.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(j) Radius of each curve (in accordance with Article III. Design and Construction Standards)

(k) Show typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:

   (1) One (1) foot contour interval for ground slopes between level and five (5) percent.

   (3) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) A preliminary grading plan whenever a subdivision has:

   (4) Any elevation two (2) feet or more in vertical depth and/or any cut slope five (5) feet or more in vertical height;

   (5) Any embankment placed on natural grade greater than three (3) feet in depth with slope steeper than five (5) feet horizontal to one (1) foot vertical. No such embankment shall obstruct a drainage course;

   (6) Any portion with an elevation differential of one and one-half (1-1/2) feet or more from adjacent property.

(m) The approximate widths, location and purpose of all existing or proposed easements.

(n) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(o) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).
(p) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(r) City limit lines.

(s) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.

(t) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(v) For residential subdivisions, the school district and schools serving the subdivision.

(w) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(x) The location and sizes of existing and proposed utility lines and structures.

(w) The elevation of sewers at the proposed connection. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '94, 9-17-02)

**Sec. 21-31.1 Owner's statement and accompanying data.**

Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and general plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.
(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(g) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system. (Ord. No. 1153, §1, 7-18-78)

Sec. 21-31.2a Transmittal of maps to public agencies and utilities

A. When the tentative map is received and filed under the provisions of this title, the community development director or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

1. Public Works Director/City Engineer
2. Chief Building Official
3. Police Department
4. Fire Department
5. Field Services Manager
6. Office of Intergovernmental Management when required under Section 12037 of the Government Code
7. Tulare County Resource Management Agency
8. Southern California Edison or other affected electric company
9. The Gas Company or other affected gas company
10. SBC phone company or other affected phone company
11. Cable TV companies affected
12. School Districts as required by Section 66455.7 of the Subdivision Map Act
13. Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

B. Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the community development director who shall incorporate them into his or her report and recommendations to the advisory agency.

C. The departments of the city to which the map is transmitted shall file with the community development director within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Subdivision Map Act coming within the jurisdiction of such department.

Sec. 21-32. Consideration of tentative parcel maps.

Not later than thirty (30) calendar days after the community development director or designee has received an application for a tentative map approval, the community development director or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Community development director or designee's determination shall specify those parts of the application which are complete and shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. The community development director or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.
(a) The parcel map committee shall review and approve, conditionally approve or disapprove the tentative parcel map within thirty (30) days after the date of acceptance of a complete application by the community development director or designee. Noticing shall be as provided in section 21-17.1 of this chapter.

(b) If the parcel map committee determines that the tentative parcel map complies with all of the provisions of this article, general plan, zoning ordinance, and the Subdivision Map Act, it shall approve the map.

(c) If the tentative parcel map fails to meet one or more requirements set forth in this article, the parcel map committee may approve the map subject to such conditions as may be necessary to conform to such requirements.

(d) When approving or conditionally approving the tentative parcel map, the parcel map committee shall specify the dedications and improvements to be made by the owner.

(e) Within seven (7) days after the action by the parcel map committee, written notice of the action by the parcel map committee shall be mailed to the applicant.

(f) Upon approval of the tentative parcel map by the parcel map committee, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the Community development director or designee and the city engineer. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '4, 9-17-02)

Sec. 21-33. Appeals.
(a) Parcel map committee actions. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the parcel map committee by filing a notice thereof, in writing, with the City Clerk setting forth in detail the action and the grounds upon which the appeal is based, within ten (10) days after the action which is the subject of the appeal. An appeal shall state specifically where it is claimed there was an error or abuse of discretion by the parcel map committee.

(b) Hearing of appeals. Upon the filing of such an appeal, the City Clerk shall set the matter for hearing before the city council. Such hearings shall be held within thirty (30) days after the date of filing the appeal. The city council shall consider the matter as an appeal de novo and as such may affirm, reverse or modify the action of the parcel map committee, or refer the matter back to the parcel map committee for further action. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, 'A(15), 8-19-86; Ord. No. 1614, '4, 9-17-02)

Sec. 21-34. Time limits and extensions of time on tentative parcel maps.
Findings, time limits and extensions of time for tentative parcel maps shall be the same as provided for by section 21-18 of this chapter. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1327, 4-2-85)

Sec. 21-35. Improvements.
Pursuant to the provisions of the Subdivision Map Act, the subdivider shall install, construct and/or provide all on- or off-site improvements as required by the parcel map committee; and such improvements shall be in conformance with all applicable provisions of article VIII of this chapter. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)
Sec. 21-36. Right-of-way dedications.

Pursuant to the Subdivision Map Act, the subdivider shall provide such dedication of right-of-way or easements as may be required by the parcel map committee. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-37. Final parcel maps.

Within the time limit designated in section 21-34 of this article, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges, the applicant may file with the city engineer, who shall approve, a final parcel map which shall substantially conform to the approved tentative parcel map and all applicable provisions of the Subdivision Map Act. The appropriate, statements as provided by the applicant in accordance with the provisions of the Subdivision Map Act, shall be signed by the city engineer upon the parcel map; and the final parcel map shall be transmitted to the clerk of the county board of supervisors for ultimate transmittal to the county recorder. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-38. Survey requirement.

In all other cases, the final parcel map shall be based on a field survey of the land conducted in accordance with the Land Surveyor’s Act of the State of California. All new lot corners shall be monumented and based on a field survey. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-39. Information on final parcel map.

(a) Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.

(b) The final parcel map shall also contain the following information:

(1) The tentative parcel map number and date of preparation.

(2) The net dimensions of each lot. No ditto marks shall be used.

(3) The names, locations and right-of-way widths of all abutting public streets.

(4) The proposed location, purpose and width of all proposed public roads and private access easements.

(5) The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.

(6) Location and widths of easements for public utilities, if required.

(7) The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.
(8) Building setback lines, if applicable.

(9) A north point and graphic scale.

(10) Location or vicinity map at a minimum scale of one (1) inch equals one (1) mile.

(11) Names and addresses of the owners of the property being divided. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-40. Required statements.
(a) All required dedications of rights-of-way or easements shall be certified on the final parcel map by appropriate statements in accordance with Section 66447 of the Map Act.

(b) All parties having any record title interest in the real property subdivided shall sign a statement on the final parcel map in accordance with subsections 66436 and 66445 of the Map Act.

(c) A statement of the registered civil engineer or licensed land surveyor who prepared the survey and the parcel map in compliance with Section 66449 of the Map Act.

(d) A statement for execution by the city engineer which complies with Section 66450 of the Map Act.

(e) A statement for execution by the community development director or designee on behalf of the parcel map committee certifying that the final parcel map conforms to the approved tentative parcel map.

(f) Additional information to be filed or recorded with the final map as required in accordance with Section 66434.2 of the Map Act. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1392, '13, 11-17-87; Ord. No. 1614, '14, 9-17-02)

Sec. 21-41. Waiver of requirements for parcel maps.

(A) The requirement for a final parcel map may be waived if a finding is made by the parcel map committee that the proposed division of land complies with all requirements of this chapter and the zoning ordinance as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No final map will be required for tentative maps approved under this section. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83)

(B) Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Subdivision Map Act. When approval has been given to an application for a waiver of the requirement of a parcel map, the city engineer shall issue a certificate of compliance, and shall cause said certificate of compliance to be filed with the recorder of the county.

Sec. 21-42. Lot line adjustment.

Pursuant to Government Code Section 66412(4), A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be
approved by the city engineer and community development director or authorized representatives without the approval and filing of a parcel map. Such lot line adjustments shall be accomplished in accordance with the following procedures:

A. Applications for lot line adjustments shall be filed with the community development director and shall be in the form and contain the information required of a tentative parcel map together with legal descriptions of each parcel.

B. The property owner(s) or agent shall file an application for a lot line adjustment with the City, submit evidence of title to all parcels to be affected, submit a proposed lot line adjustment, and pay the processing fee established by resolution of the city council.

C. The community development director and city engineer, or an authorized designee, shall consider and approve the application if it is found that the parcels created by the lot line adjustment will conform to the requirements of this code and applicable state law.

D. The lot line adjustment shall be evidenced by recording a deed describing each affected parcel and a City resolution signed by the community development director and city engineer. The deed and resolution shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements.

The city engineer may require the applicant to dedicate additional street right of way when necessary for the completion of the ultimate street right of way.

(Ord. No. 1153, '78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '02)

Sec. 21-43. Merger.

Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Subdivision Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Subdivision Map Act or this article enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the City of Porterville may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

(a) At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.

(b) With respect to any affected parcel, one (1) or more of the following conditions exists:

(1) Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
(3) Does not meet current standards for sewage disposal and domestic water supply.
(4) Does not meet slope stability standards.
(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
(6) Its development would create health or safety hazards.
(7) Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.
(c) **Notification of intention to merge, hearing.** Prior to recording a notice of merger, the Community development director or designee shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Tulare County Recorder on the date that notice is mailed to the property owner.

(d) **Request for hearing.** At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the Community development director or designee a request for a hearing on determination of status.

(e) **Procedure for hearing.** Upon receiving a request for a hearing on determination of status, the Community development director or designee shall fix a time, date and place for a hearing to be conducted by the city council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner's request therefor, but may be postponed or continued with the mutual consent of the Community development director or designee and the property owner.

(f) **Procedure for determination following hearing.** At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the city council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in subsections 21-43(a) and (b). A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

(g) **Determination when no hearing is requested.** If, within the thirty (30) day period specified in subsection (d), the owner does not file a request for a hearing, the Community development director or designee may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded with the Tulare County Recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by subsection (e).

(h) **Notice of intention for nonmerger.** If, in accordance with subsection 21-43(f) or (g), the Community development director or designee or city council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of intention to determine status, and shall mail a clearance letter to the then current owner of record.

(Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1327, 4-2-85; Ord. No. 1362, 'A(16), 8-19-86; Ord. No. 1614, '4, 9-17-02)
Sec. 21-43.a  Property owner initiated merger of continuous parcel merger

Pursuant to Government Code Section 66499.20 3/4, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

A. The property owner shall file an application for merger with the community development director, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the city council. Mergers shall be in the form and contain the information required of a tentative parcel map together with a legal description of the merged parcel.

B. The community development director and city engineer, or an authorized designee, shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.

C. The merger shall be evidenced by recording a certificate of compliance which lists the parcel numbers affected and is signed by the community development director and city engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of compliance shall be recorded against each parcel that is merged.

Sec. 21-44.  Certificate of compliance.

(a) Any person owning real property may request, and the community development director or designee shall determine, whether such real property complies with the provisions of the Subdivision Map Act and of this article. Upon making such a determination, the community development director or designee shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Subdivision Map Act and of this article. The community development director or designee may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If the community development director or designee determines that such real property does not comply with the provisions of the Subdivision Map Act or of this article, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the Subdivision Map Act or this article. Upon making such a determination and establishing such conditions, the community development director or designee shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '4, 9-17-02)

Sec. 21-44.1.  Reversion to acreage.

(A) Subdivided real property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act.
(B) Proceedings for reversion to acreage may be initiated by the parcel map committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.

(C) The petition shall be in a form prescribed by the community development director or designee and shall contain the following:

(a) Adequate evidence of title to the real property within the subdivision.

(b) Sufficient data to enable the legislative body to make all of the determinations and findings required by this article, including a three hundred (300) foot radius map and property owners list.

(c) A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.

(d) Such other pertinent information as may be required by the community development director or designee and city engineer.

(D) A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the time and manner provided in section 21-17.1 of this chapter.

(E) Subdivided real property may be reverted to acreage and a final map approved for recordation only if the parcel map committee finds that:

(a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the city council in accordance with division 9, part 3 of the Streets and Highways Code of the State of California.

(b) Either:

(1) All owners of an interest in the real property within the subdivision have consented to reversion; or
(2) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
(3) No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

(F) As conditions of reversion, the city council shall require:

(a) Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.

(b) Retention of all previously paid fees if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(c) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.
(G) Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(H) When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable city ordinance, including the stipulations of this article. (Ord. No. 1327, 4-2-85; Ord. No. 1614, '4, 9-17-02)

**ARTICLE VIII. IMPROVEMENTS**

**Sec. 21-45. General requirements.**

The subdivider shall install improvements in accord with the general requirements set forth in this article; provided, however, the public work inspector/city engineer may require changes in typical sections and details if unusual conditions arise to warrant such changes. (Ord. No. 1153, '1, 7-18-78)

**Sec. 21-46. Standard specifications.**

All improvements shall conform to the requirements contained in the City of Porterville Standard Plans and Specifications, Standard Specifications for Public Works Construction, and Work Area Traffic Control Handbook, as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the city clerk and the public work inspector/city engineer. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1386, 'C(1), 8-18-87)

**Sec. 21-47. Improvement plans.**

Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the city engineer. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and approved amendments thereto. All such plans shall be prepared on polyester base film with permanent black ink in accordance with the requirements of the public work inspector/city engineer. After construction is completed, the developer's engineer shall show all changes he makes made on the original set of plans and provide them to the city marked "as built plans". (Ord. No. 1153, '1, 7-18-78; Ord. No. 1386, 'C(2), 8-18-87)

**Sec. 21-48. Improvement construction inspection and supervision.**

All improvements shall be inspected and approved by the public work inspector/city engineer or his authorized representative. The subdivider shall be responsible for the actions of his contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by city personnel. (Ord. No. 1153, '1, 7-18-78)

**Sec. 21-49. Plan check and inspection fees.**

Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city including the cost of recording maps. The plan check and inspection fee shall be as indicated in the city comprehensive fee schedule.
The plan check fee shall be paid prior to commencement of plan checking by the city. The inspection fee shall be paid prior to any construction work requiring inspection. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1404, 'B(1), 7-5-88)

Sec. 21-50. Required improvements enumerated.

The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the public work inspector/city engineer. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

(a) **Underground utilities.** All utility distribution facilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility's rules and regulations on file with the California Public Utilities Commission.

Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities.

All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

(b) **Streets.** All streets shall be graded and surfaced to cross sections and grades approved by public work inspector/city engineer.

(c) **Structures.** Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the public work inspector/city engineer.

(d) **Grading and drainage.** Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.

(e) **Sidewalks, curbs, gutters and driveway approaches.** Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the public work inspector/city engineer.

(f) Sanitary sewers. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the public work inspector/city engineer. No septic tanks or cesspools shall be permitted.

(g) **Storm drains.** Storm water sewers shall be installed as required by the public work inspector/city engineer.
(h) **Water supply, fire flow, and fire hydrants.** As provided in the Uniform Fire Code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The required fire flow shall be determined by the fire chief. When any portion of the building to be protected is in excess of one hundred fifty (150) feet from a water supply on a public street, there shall be installed, and supplied by the approved water supply, on-site fire hydrants capable of supplying the required flow.

(1) Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow. In setting the requirements for fire flow, the chief may use the standard published by the Insurance Services Office, A Guide for Determination of Required Fire Flow.

(2) The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Fire Chief. All hydrants shall be accessible to the Fire Department by access roadways meeting Uniform Fire Code requirements for “Access Roadways for Fire Apparatus”. Such fire protection facilities including all surfaces access roads shall be installed and made serviceable by the developer prior to the time of construction.

(3) In a residential development, one fire hydrant shall be installed for each 500 feet of residential frontage. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within 250 feet.

(4) In a commercial area or industrial development, one fire hydrant shall be installed for each 300 feet of commercial or industrial frontage; Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within a distance defined by Table A-III-B-1 of the Uniform Fire Code.

(5) When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the Chief.

(6) Design, locations, and layout of water mains and fire hydrants shall be approved by the City Engineer and the Fire Chief, and shall be installed by the developer.

(7) The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to the fire department apparatus by access roadways meeting Uniform Fire Code requirements for Access Roadways for Fire Apparatus. Such fire protection facilities, including all surface access roads, shall be installed and made serviceable by the developer prior to the time of construction.

a. 4000 GPM and greater; required duration is 4 hours.
b. 3000 GPM – 3750 GPM; required duration is 3 hours.
c. 1500 GPM – 2750 GPM; required duration is 2 hours.
(i) **Subdivision trees.** Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the city director of parks and leisure services, all in general accord with the requirements of the Porterville Municipal Code. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector street, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.

(j) **Street signs.** Street signs shall be installed by the city at the subdivider's expense. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications.

(k) **Street lights.** Ornamental street lights shall be installed by the subdivider at locations designated by the city engineer.

(l) **Railroad crossings.** Provisions shall be made for any and all railroad crossings necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the Public Utilities Commission of the State of California for the establishment and improvement of such crossing.

(m) **Lot corners.** The subdivider's engineer shall set at all lot corners a marker consisting of a one (1) inch diameter iron pipe twenty-four (24) inches long filled with cement, with the engineer's marker thereon.

(n) **Bench marks.** The subdivider's engineer shall set at least two (2) bench marks in the subdivision tied to United States Coast & Geodetic Survey (USC & GS) datum. Bench marks with elevations and based on USC & GS datum are located at all section and quarter-section corners.

(o) **Temporary Drainage Reservoir lots.** Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the public work inspector/city engineer and the director of parks and leisure services.

(p) **Others.** Other improvements where deemed necessary by the city council for the public health, safety or welfare. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-51. Agreement for installation of improvements.**

Prior to the approval by the city council of the final map, the subdivider shall execute and file an agreement between himself and the city, specifying a period, agreeable to the public work inspector/city engineer, which shall be not greater than one (1) year, within which he shall complete all improvement work to the satisfaction of the public work inspector/city engineer, and providing that if he shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the public work inspector/city engineer or his authorized representative and reimbursement to the city by the subdivider for the cost of such inspection. Such agreements may also provide:

(a) For the construction of the improvements in units.

(b) For an extension of time under conditions therein specified.
(c) For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the public work inspector/city engineer to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.

(d) For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this article; provided, however, that no such progress payment shall be made for more than ninety (90) percent of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the public work inspector/city engineer. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-51.1. Construction of improvements absent subdivision agreement.

If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in section 21-51 of this article, then the subdivider shall execute and file a preliminary subdivision agreement between the subdivider and the city. The preliminary subdivision agreement shall specify a period of time, not to exceed one (1) year, within which all improvements shall be completed, and providing that if the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city.

Such agreements may also provide for:

(a) The subdivider to arrange a preconstruction conference with the city, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.

(b) The subdivider to give the city twenty-four (24) hours' notice to restarting work if no construction work has been done for two (2) or more prior work days. (Ord. No. 1404, 'C, 7-5-88)

Sec. 21-52. Supplemental improvements.

(a) Required. The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.

(b) Supplemental improvements; reimbursement agreement. The city shall enter into an agreement for reimbursement to the subdivider of the cost of the supplemental capacity, size or number. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements.

(c) Supplemental improvements; reimbursement procedures. To pay the cost of such reimbursement, the city council may at its discretion:

(1) Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefitted thereby; or
(2) Collect a reasonable use charge for the account of the subdivider from persons not within the subdivision using the oversized improvements. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-53. Utility fees and off-site charges.
The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable council resolution or ordinance. Utility fees, excluding acreage fees, for subdivisions shall be collected prior to acceptance of subdivision improvements by the city. Engineering plan checking, inspection fees, acreage fees and off-site charges, i.e., street signs, subdivision trees, etc., shall be paid prior to approval of the subdivision agreement by the city council. (Ord. No. 1153, '1, 7-18-78, Ord. No. 1274, 1-4-83)

ARTICLE IX. MISCELLANEOUS

Sec. 21-54. Voidability of deeds or contracts.
Any deed of conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in solvency or bankruptcy, within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-55. Penalties.
Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this chapter is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars ($500.00), or imprisonment in the county jail for a period of not more than six (6) months, or both such fine and imprisonment. (Ord. No. 1153, '1, 7-18-78)

SECTION 2: There is hereby amended and added to the City of Porterville Municipal Code Articles I-IX set by the City Council of the City of Porterville to regulate such Subdivision standards.

SECTION 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED AND ADOPTED on ___ day of November, 2006.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By ___________________________
Georgia Hav..ey, Chief Deputy City Clerk
SUBDIVISIONS

ARTICLE I. GENERAL PROVISIONS

Sec. 21-1. Authority for local regulations.
This chapter is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the Subdivision Map Act. (Ord. No. 1153, \textsuperscript{1} 1, 7-18-78)

Sec. 21-1.1. Purpose and scope.
The subdivision ordinance is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the subdivision ordinance is adopted in order to achieve the following objectives:

(a) To aid in the implementation of the general plan of the City of Porterville, and elements thereof, as adopted by the city council.

(b) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

(c) To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.

(d) To accommodate new development in a manner which will preserve and enhance the city's living environment and create new beauty through skilled subdivision design.

(e) To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.

(f) To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.

The subdivision ordinance is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the State of California, and any future amendments thereto, and repeals all other regulations of the City of Porterville in conflict with this article; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations contained in this article hereinafter in this article contained shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the City of Porterville. The provisions of this chapter shall be in addition to and shall be considered as supplemental to the provisions of the Subdivision Map Act of the State of
California, as now in effect or hereinafter amended. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-1.2. General responsibilities.

(a) Subdivider. The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Porterville. He shall process said maps in accordance with the regulations set forth herein.

(b) Community development director. The Community development director or designee shall be responsible for design analysis for conformity with the general plan and the zoning ordinance; for the environmental quality of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein.

(c) Public Works Director/City engineer. The public works director/city engineer shall be responsible for reporting to the planning commission and the city council as to engineering requirements of the proposed public improvements, and whether the proposed public improvements are consistent with the regulations contained herein and for the inspection and ultimate approval of all public improvements. The city engineer shall also have the authority to act on behalf of the city council in accepting dedications of all streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use.

(d) Parcel map committee. The city parcel map committee shall be the designated advisory agency for parcel map subdivisions and shall have the authority to approve, conditionally approve or disapprove tentative parcel maps.

(e) Reserved.

(f) City council. The city council shall approve tentative and final subdivision maps, establish requirements for and standards of design of public improvements, and accept land and public improvements that may be proposed for dedication that may be proposed as part of a subdivision. The city engineer is authorized to accept all dedications that are not offer on a subdivision map approved by city council (e.g., dedications for parcel maps, individual parcels, etc.) (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, 'A(1), 8-19-86; Ord. No. 1590, "A, 2-20-01; Ord. No. 1614, '4, 9-17-02)

Sec. 21-1.3. Appeals.

(a) Parcel map committee actions. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the parcel map committee by filing a notice thereof with the City Clerk and Community development director or designee, as specified in section 21-33 hereof.

(b) Hearing of appeals. Upon the filing of such an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal. Within ten (10) days following the conclusion of the hearing, the city council shall
render written decision on the appeal. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord.
No. 1362, ' A(2); 8-19-86; Ord. No. 1614, ' 4, 9-17-02)

Sec. 21-1.4. Authority to vary regulations.
The parcel map committee/city council with respect to tentative parcel maps and tentative
subdivision maps respectively as provided in section 21-1.7 of this chapter, can modify any of the
requirements and regulations set forth in this chapter, or the Zoning Ordinance (Appendix A of
the Municipal Code) as it pertains to lot design, subject to the approval of a conditional use
permit. Variation of regulations is applicable when there are natural features such as
topographic constraints and soils conditions that may warrant modified standards. Application
for any such modification shall be made in writing by the subdivider in the form of a conditional
use permit application, stating fully the grounds of the application and the facts relied upon by
the subdivider. Such application shall be filed with the tentative map of the proposed land
division. If in the opinion of the Community Development Director and Public Works
Director/City Engineer the on- and/or off-site improvements, phasing and/or type of
improvements necessitate it, a development agreement may be required between the City and the
developer. In order for the property referred to in the application to come within the provisions
of this section, it shall be necessary that the city council or parcel map committee find the
following facts with respect thereto:

(a) That there are special circumstances or conditions affecting such property.

(b) That the modification is necessary for the preservation and enjoyment of a
substantial property right of the petitioner.

(c) That the granting of the modification will not be detrimental to the public welfare
or injurious to other property in the territory in which such property is situated.

(d) That the exception is appropriate for the proper design and/or function of the
subdivision.

(e) That the granting of the exception is consistent with the general plan.

Sec. 21-1.4.a. Exception to Conditional Use Permit requirement

As it pertains to tentative parcel maps and tentative subdivision maps, exceptions to
regulations pertaining to lot depth, reverse corner lots, street length and width, and double
frontage lots shall be processed with the tentative map and shall not be subject to a conditional
use permit per Sec. 21-1.4. Exceptions from additional subdivision design standards and/or
standards pertaining to the lot design within particular zones shall be subject to the approval of a
conditional use permit.

(Move From Sec. 21-1.7 (d) and (e))

(d) Action on exceptions: In the event that the proposed exceptions represent more
than exceptions from lot depth, reverse corner lots, street length, and double frontage lots, the city council parcel map committee shall approve, conditionally approve or disapprove the application for an exception a conditional use permit pertaining to a parcel-map tentative map in a public hearing held concurrently with the proposed tentative map or other action specified in section 21-1.7(a) of this chapter. The parcel map committee shall consider the exceptions not subject to a conditional use permit during the public hearing at which it considers the tentative parcel map or at an independent public hearing prior to any other action resulting in the creation of a legal lot(s) of record as specified in section 21-1.7(a) of this chapter.

(e) Appeals: When the parcel map committee has acted on an application for an exception, in accordance with the provisions of this article, any interested person may appeal to the city council pursuant to the procedures and within the time limits set forth in section 21-33 of this chapter. City Council decisions are final upon adoption of the resolution. (Ord. No. 1369, 'B(1), 12-2-86; Ord. No. 1386, 'A(1), (2), 8-18-87)

Cross references Parcel map committee generally, '21-29; parcel maps, '21-30 et seq. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1362, 'A(3), 8-19-86; Ord. No. 1369, 'A(1), 12-2-86)

Sec. 21-1.5. Validity.
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The city council of the City of Porterville, California, hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases be declared invalid or unconstitutional. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-1.6. Grounds for denial of tentative subdivision or parcel maps.
A tentative map or parcel map shall be denied approval or conditional approval in the event any one of the following findings is found to prevail by the legislative body:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause
serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. No. 1327, 4-2-85)

Sec. 21-1.7. Parcel maps excepted.

(a) Exceptions authorized: Exceptions and conditional exceptions to any of the requirements prescribed by sections 21-6(a) and (b) or 21-7(a)(1), (2), (3), (b) and (d) of this chapter may be granted pursuant to this article.

(b) Application fees: The parcel map committee shall prescribe the form of application for exceptions to parcel maps. The application shall state fully the grounds for the exception, the facts relied upon and any other data pertinent to the findings prerequisite to the granting of an exception as set forth in this article. The application shall be filed at the same time that the tentative parcel map is filed.

When the application for an exception is filed in connection with a tentative parcel map, lot line adjustment, merger, unmerger, certificate of compliance or other action resulting in the creation of one (1) or more legal lots of record, the applicant shall pay a fee set forth in the comprehensive fee schedule. The fee prescribed above shall cover all of the exceptions for any one (1) map or other action regardless of the number of exceptions requested.

(e) Requirements for granting exceptions: The parcel map committee shall only grant an exception if it finds that all of the following circumstances exist:

(1) That there are special circumstances or conditions affecting the property.

(2) That the exception is appropriate for the proper design and/or function of the subdivision.

(3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

(4) That the granting of the exception is in accordance with the purposes prescribed in section 21-1.1 of this chapter and the Subdivision Map Act.

(5) That the granting of the exception is consistent with the general plan.
Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this chapter.

ARTICLE II. DEFINITIONS

Sec. 21-2. Definitions.
Whenever any words or phrases used in this chapter are not defined herein, but are defined in the Subdivision Map Act of the State of California, or in the zoning ordinance of the City of Porterville, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

*Alley* shall mean a street providing only secondary access to abutting property.

*Arterial* shall mean a street designated by the circulation element of the general plan to serve high-volume inter- and intra-city traffic, and to act as a distributor between freeways, other arterials, and major traffic generators.

*Average Slope* of a parcel shall be calculated in the following manner:

\[
S = \frac{0.023IL + 0.0229IL}{A} \quad \text{(minor variations in formula)}
\]

Where:
- \( S \) = the average slope in percent
- \( I \) = the contour interval in feet
- \( L \) = the combined length of contour lines in scale feet
- \( A \) = the gross area in acres of the parcel or as applicable

*Block* shall mean an area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

*City engineer* shall mean the Porterville city engineer.

*Collector street* shall mean a street designated by the circulation element of the general plan to collect and distribute traffic between local streets and arterials.

*Community apartment project* shall mean a property conforming to the definition set forth in Section 11004 of the Business and Professions Code, State of California.

*Community development director* shall mean the Porterville community development director.

*Condominium* shall mean a property conforming to the definition set forth in Section 783 of the Civil Code of the State of California.
**Cul-de-sac** shall mean a local street open at only one end, which has a turnaround for vehicles at the closed end.

**Final map** shall mean a map, prepared in accordance with the provisions of the Subdivision Map Act and of this chapter, designed to be placed on record in the office of the Tulare County Recorder.

**Freeway** shall mean a divided arterial highway designated for through traffic having grade separated intersections and full control of access.

**Frontage road** shall mean a street adjacent and auxiliary to a freeway or arterial, and separated by a divider strip, which street provides access to abutting property.

**General plan** shall mean all elements of the general plan of the City of Porterville, as adopted and duly amended from time to time by the city council.

**Industrial Street** shall mean a street which serves an industrial area and connects said area to the major street system.

**Intersection** shall mean the place at which two (2) or more streets meet.

**Local street** shall mean a street which provides direct access to abutting properties, primarily in residential districts. districts with more than 400 average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

**Lot** shall mean a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map, or parcel map.

**Map Act** shall mean the Subdivision Map Act of the State of California Government Code.

**Minor Street** shall mean a street which provides direct access to abutting properties, primarily in residential districts with 400 or fewer average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

**Parcel map** shall mean a map prepared in accordance with the provisions of this chapter, designed to be placed on record in the office of the Tulare County Recorder, and providing for the division of land which meets the conditions exceptions set forth in subdivisions (a)(e) of section 66426 of the Subdivision Map Act.

**Parcel map committee** shall mean a staff committee composed of the Community development director, city engineer and fire chief, or their designees.
Preliminary map shall mean a map to be submitted to the Community development director or designee prior to the filing of a tentative map, to show the general characteristics of the proposed subdivision and any other data necessary to enable the project review committee to review the proposed subdivision design.

Public improvement shall mean street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

Public Works Director means director of Porterville’s public works operation

Standard plans and specifications shall mean all the standard plans and specifications prepared by the city engineer and approved by resolution of the city council.

Street shall mean an improved facility used for vehicular traffic.

Subdivider shall be as defined in section 66423 of the Map Act. (Ord. No. 1537, 'B69, 8-6-96; Ord. No. 1614, '4, 9-17-02)

Subdivision shall be as defined in Section 66424 of the Map Act.

Subdivision Review Committee: Shall include the City Engineer, the City Planner, two other staff members appointed by the City Manager and at least one member of the City Council appointed by the Mayor.

Subdivision Design shall mean the overall layout of the proposed subdivision including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and locations of easements and rights of way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

Tentative Map shall mean a map made in accordance with the provisions of the Map Act to show the design of a proposed subdivision and the existing conditions in and around said subdivision. It need not be based upon a detailed final survey of the property, except as otherwise provided in this Article and the Map Act; however, it shall be graphically accurate to reasonable tolerances.

Vesting tentative map shall mean a tentative map for a residential subdivision that shall have printed conspicuously on its face the words vesting tentative map at the time it is filed in accordance with section 21-18.1(f), and is thereafter processed in accordance with the provisions hereof.

ARTICLE III. DESIGN AND CONSTRUCTION STANDARDS

Sec. 21-3.  Streets and highways.

(a) The street and highway design shall conform both in width and alignment with any general plan circulation element, precise street plans and other precise plans adopted by the city council, and right-of-way for any such street or highway indicated on the general plan or precise plans shall be dedicated to the city by the subdivider.

(b) Streets and highways not otherwise designated on the circulation element of the general plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes and, when determined necessary, by the city council in the public interest. Approval or determination of street classification shall be made by the city council.

<table>
<thead>
<tr>
<th>Street Class</th>
<th>Right-of-Way (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Divided arterial streets</td>
<td>110</td>
</tr>
<tr>
<td>Undivided arterial streets</td>
<td>84</td>
</tr>
<tr>
<td>Collector streets</td>
<td>60</td>
</tr>
<tr>
<td>Local streets</td>
<td>60</td>
</tr>
<tr>
<td>Minor streets</td>
<td>50</td>
</tr>
<tr>
<td>Culs-de-sac</td>
<td>50</td>
</tr>
<tr>
<td>Frontage road</td>
<td>50</td>
</tr>
</tbody>
</table>

(c) Relationship to existing streets. The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

(d) Center lines. The center lines of all streets, wherever practicable, shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred fifty (150) feet.

(e) Intersections. Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the city engineer.

(f) Corner rounding. At street intersections the block corners in a residential district shall be rounded at the property line by a radius of not less than twenty (20) feet; and in a commercial district or on lots adjacent to a collector or major street or highway by a radius of not less than twenty (20) feet or more, when such is deemed necessary, to provide at least one hundred (100) feet sight distance diagonally between intersecting street center lines.
Corner cut-offs - At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.

(g) Cul-de-sac or dead-end streets. No cul-de-sac or dead-end street shall be more than six hundred (600) feet in length. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround. In all other cases, a turnaround having a minimum radius of fifty (50) forty-seven (47) feet, measured to the property line, and minimum of forty-four (44) forty (40) feet to curb face shall be required. If topographical conditions, and low densities of no greater than 1.5 units to the net acre, or other exceptional conditions exist, the City may determine that a length in excess of 600 feet is acceptable.

(h) Curve radius. The center line curve radius on arterial all streets shall be designed in accordance with acceptable safe engineering practices, and in no case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.

(i) Frontage streets. When any lots front or side on any major street arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not front onto and take access to/from arterial or collector streets.

(j) Private roads and alleys shall not be permitted unless a conditional use permit is approved by the city council and, if approved, all private roads or alleys shall be constructed to city standards.

(k) Grades of streets shall not be less than two-tenths (0.2) percent and not greater than seven (7) percent, unless because of topographical conditions or other exceptional conditions the city engineer determines that a grade less than two-tenths (0.2) percent, or in excess of seven (7) percent, is necessary.

(l) The position of a street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire suppression unit.

(m) Access on arterials. Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, 'A(5), 8-19-86)

(n) Access on collectors. The parcel map committee or city council may prohibit the use of a collector as primary direct access to individual single family residential lots. Where such access is permitted, the parcel map committee or city council may require the use of circular drives, or other forms of vehicular turnarounds to prevent backing onto public streets. When the rear or
side of any lot abuts a collector street, the parcel map committee or city council may prohibit the
right of ingress/egress.

Sec. 21-4. Alleys.
(a) Alleys shall be optional in residential subdivisions. The city council, for any one of the
following reasons, may require alleys (if alleys are required, they shall be constructed to city
standards):

(1) Unusual size, shape or topographical character of the property to be subdivided.

(2) The relationship to existing or proposed commercial, industrial or high density residential
development or adjacent railroad right-of-way.

(3) The special nature of the design or density of a residential subdivision where dwellings
are grouped in such a manner as to require access from other than the street frontage.

(4) The need to maintain continuity of existing alleys where the property to be subdivided is
located immediately between existing residential blocks where alleys are provided.

(b) Residential alleys shall have a minimum dedicated width of twenty (20) feet.

(c) Alleys shall be provided where needed to serve existing or proposed commercial or
industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate
provisions for ingress and egress.

(d) A twenty (20) foot corner diagonal cutoff, measured along the property lines from the
point of intersection, will be required where two (2) alleys intersect. Where required, a
disabled ramp shall be constructed pursuant to the City standard design.

(e) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and
other services.

(f) Dead-end alleys shall be prohibited. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1362, ' A(6),
8-19-86)

Sec. 21-5. Street names.
(a) All street names shall be approved by the city council. Duplication of existing names
shall not be allowed, unless the streets are approximately in alignment with existing streets and
not so far removed as to be confusing.

(b) Names of through streets in a north-south alignment shall be followed by the designation
street, and the names of through streets in an east-west alignment shall be followed by the
designation avenue.
(c) Cul-de-sac streets in a north-south alignment shall be followed by the designations of either place, way or drive, and cul-de-sac streets in an east-west alignment shall be followed by the designations of either lane, circle or court. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1362, 'A(7), 8-19-86)

Sec. 21-6. Blocks.
(a) Block length. Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Long blocks shall be provided adjacent to major and collector streets or highways in order to minimize the number of street intersections.

(b) Block width. The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots, therein of a size required by the provisions of this article, unless the conditions justify or make necessary a variation from this requirement. (Ord. No. 1153, '71, 7-18-78)

Sec. 21-7. Lots.
(a) Lot width.

(1) Each residential lot or parcel shall have frontage width of not less than that required by the zoning ordinance, or this ordinance, whichever is greater, except as approved by the City Council.

(2) Each residential lot or parcel on a dead-end street, cul-de-sac or on a curved street, when the side lines thereof are diverging from the front to the rear of such lot or parcel, shall have a width not less than that required by the zoning ordinance, measured along the front yard building setback line established by the required front yard for the main building and between the side lines of such lot or parcel; said line shall be parallel and concurrent with the front lot line.

(3) Corner residential lots shall have an extra width of five (5) feet necessary for maintaining the required side yard area.

(b) Lot depth. The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. The depth of all other lots shall be as required by the zoning ordinance.

(c) Lot area. The area of all lots shall comply with the requirements of the zoning ordinance relative to each particular zoning district.

(d) Lot frontage. Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the city council, topographic or unusual physical conditions justify a deviation from this rule.

(e) Side lines. The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.
(f) **Lot numbering and dimensions.** Lot numbers shall begin with the numeral A+1, and shall continue consecutively through each all of the units of the tract with no omissions or duplications, and no block numbers shall be used.

(g) **Division of lots.** No lot shall be divided by a county, city, school, or any other taxing district boundary lines.

(h) **Suitability of lots.** All lots shall be suitable for the purpose for which they are intended to be sold used. Land subject to flooding or deemed by the parcel map committee, or city council to be uninhabitable shall be indicted on the final map.

(i) **Land remnants.** All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

(j) **[Dimensions to be shown on map.]** The dimensions of all lots shall be shown on the final subdivision map to the nearest one hundredth (1/100) of a foot. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, '1A(8), 8-19-86)

**Sec. 21-8.** **Reserve strips Access Limitation Strips.**

(a) A one (1) foot reserve access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.

(b) Reserve Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates. (Ord. No. 1153, '1, 7-18-78)

**Sec. 21-8.5.** **Landscaping and Lighting Maintenance Districts**

(a) Each subdivision shall be subject to the creation of a Landscaping and Lighting Maintenance District in compliance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code § 22500 et. seq. to address the extension of improvements such as but not limited to lighting, common landscape areas, perimeter walls, drainage systems, drainage reservoirs, and open space areas, and the maintenance of such facilities or any other public improvements that serve the development in general.

(b) Prior to the approval of improvement plans for a development, the developer/applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:

1) A petition on a form provided by the city requesting to have the subdivision placed in a landscaping and lighting maintenance district at the time the final map is approved by the City.
2) Completed and approved landscaping and lighting improvement plans, legal description, etc.

(c) The Landscaping and lighting maintenance district shall be established, or the annexation into an existing District concluded, and landscape and lighting improvements completed and accepted concurrently with the other improvements in the subdivision.

(d) Exclusive of assessments for a Landscaping and Lighting Maintenance District, the developer/applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a 90 day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Landscaping and Lighting Maintenance District.

In response to meeting, staff proposes replacing the language below with that above.

(b) Prior to the approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting plans, legal descriptions, etc. The developer/applicant shall petition, on form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) recreational open space, (3) Public Landscaping, if any, (4) Public walls/fences, if any, (5) Drainage reservoir, if any, and any other public improvement. The developer/applicant shall prepare an Engineer's Report for the establishment of assessments in order to provide for the ongoing maintenance of the subdivision improvements to be included within a Landscaping and Lighting Maintenance District. The Landscape and Lighting Maintenance District shall be established, or the annexation into an existing District shall be concluded, and Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. Exclusive of assessments for a Landscaping and Lighting Maintenance District, the developer/applicant shall pay all service fees and maintain all new landscaping and lighting improvements in a safe and healthy manner during a twelve (12) month period following acceptance of the subdivision improvements.

Sec. 21-8.6 Provision of Recreational Open Space (Pocket Park) within Residential Subdivisions

(a) Single-family residential subdivisions, whether attached or detached, shall be designed with recreational open space that is centrally located and designed to serve residents within the development. The recreational open space shall be designed to accommodate a mixture of active and passive recreational opportunities to include, but not be limited to, tot lots, basketball courts, picnic tables/shelters and landscaping conducive to outdoor activities. The minimum area allotted to recreational open space is based on the number of residential units proposed in a development as follows:
0 to 49 d.u.'s  None required
50 or more d.u.'s  2% of site area

* Site area refers to the aggregate area of lots within the specific development.

(b) Whenever practicable, the recreation open space shall be developed concurrently with the first phase of development of the subdivision. The requirement for recreational open space does not apply to the Suburban Residential (R-A) Zone or the One Family Estate (R-E) Zone or to residential subdivisions within a ¼ mile radius of an improved City park other than a pocket park provided by similar preceding residential development.

(c) A developer may make dual use of an on-site drainage basin if the City Engineer determines that the primary use of the basin can be achieved. A minimum of 30% of the recreation open space must be provided outside of the drainage basin restricted area, and dual use areas must be designed to adequately afford recreational use.

(d) A PCC or masonry fence is required to be constructed along all common property lines with residential lots bordering the recreational open space.

Sec. 21-9. Grading and erosion control.
Every map approved pursuant to this article shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in appendix chapter 70 33 of Uniform California Building Code, of the most recently adopted edition. 1979 Edition, or editions subsequently adopted. . (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1274, 1-4-83) Steep terrain and other topographical features may limit the abilities of a developer to perform mass grading operations. At the discretion of the public works director/city engineer, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

Sec. 21-9a. Storm Water Management Plan
Every map approved pursuant to this article shall be conditioned to comply with the requirements of the City's Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

Sec. 21-10. Watercourses.
(a) In the event that the subdivision is traversed by any watercourses, channels, streams or creeks, the subdivider shall dedicate rights-of-way or easements for access and maintenance storm-drainage purposes conforming substantially with the lines of such watercourses, channels, streams or creeks, or shall provide by dedication further and sufficient rights-of-way or easements as shall be required for structures, or channel changes, and maintenance roads or both, to dispose of such surface and storm waters and to maintain such facilities.

(b) The city council may disapprove a tentative map of a subdivision because of flood hazard and inundation, and require protective improvements to be constructed as a condition precedent to approval of the map. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1362, ' A(9), 8-19-86)
Sec. 21-11. Ponding lots - Drainage Reservoirs

(a) Ponding lots. Temporary drainage reservoirs will only be allowed in areas where it has been determined by the public works director/city engineer that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan other methods of drainage are not practical. Landscape and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services. Maintenance of these facilities shall be part of the Landscape and Lighting Maintenance District created for the benefit of the subdivision.

(b) Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the City in Fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City's Storm Drain Master Plan and City's Property and Right of Way Acquisitions Policy and Procedures Manual. Permanent ponding lots shall be a minimum of five (5) acres and dedicated to the city for maintenance. Landscaping and irrigation systems shall be installed as approved by the director of parks and leisure services.

(c) Temporary drainage reservoirs ponding lots may be approved until such time as Storm Drain Master drainage facilities are available for connection and shall be dedicated to the city as an easement in fee title. (Ord. No. 1274, 1-4-83)

ARTICLE IV. PRELIMINARY MAP

Sec. 21-12. Subdivision review committee.

A subdivision review committee is hereby established consisting of the city engineer, the Community development director or designee, two (2) staff members appointed by the city manager, and at least one (1) member of the city council appointed by the mayor. (Ord. No. 1153, '81, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, '10, A(10), 8-19-86; Ord. No. 1614, '14, 9-17-02)

Sec. 21-13. Preliminary review.

Prior to the filing of a tentative map, the subdivider shall submit to the community development director or designee ten (10) nine (9) copies, or as may be determined at the time of submittal, of a preliminary map to indicate the essential characteristics of the subdivision. The preliminary map shall be of the same size and scale as that required by this chapter for tentative maps, and shall contain the following minimum information:

(a) Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development which would affect the subdivision.

(b) Name and address of the owner of record, subdivider and engineer or surveyor.

(c) Date, north point and scale showing the general topography contours and features.

(d) Approximate location and widths of proposed and existing street rights-of-way.

(e) Approximate location, average size, and number of lots.

(f) Approximate acreage of proposed tract.

(g) The intended land use and information on utilities, sanitary sewers, drainage, water and other
improvements.

The community development director or designee will then, within twenty (20) twelve (12) days, schedule a conference meeting of the project review committee subdivision review committee with the subdivider on the preliminary map. The committee will make such general recommendations to the subdivider as shall seem proper regarding such preliminary map and shall recommend consultations by the subdivider with such other public or private agencies as it shall designate. The project review committee subdivision review committee shall furnish written copies of its recommendations to the subdivider and to all other public or private agencies which may be interested. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, ' 4, 9-17-02)

ARTICLE V. TENTATIVE MAP

Sec. 21-14. Map filing procedure and requirements.

(a) Filing tentative map. The subdivider shall file with the Community development director or designee twenty-three (23) copies, one (1) legible sepia and eight (8) copies of the owner's statement ten (10) copies, one photo-ready master (11” X 17” maximum) and one (1) copy of the owner's statement (if not included on the tentative map), all in accordance with the requirement of this article, for each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the city council. The Community development director or designee shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, tracings masters, and accompanying data are deposited in the office of the director. (Ord. No. 1614, ' 4, 9-17-02)

(b) Not later than thirty (30) calendar days after the Community development director or designee has received an application for a tentative map approval, the Community development director or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Community development director or designee's determination shall specify those parts of the application which are complete, and shall specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete. After the Community development director or designee accepts an application as complete, the city shall not subsequently request of an applicant any new or additional information which was not requested as part of the application. The Community development director or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. (Ord. No. 1614, ' 4, 9-17-02)

(c) Distribution of tentative map. Within ten (10) days of acceptance of a tentative map of a subdivision, the Community development director or designee shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after the map has been filed distribution of the tentative map, forward to the community development director or designee a written report of its findings and recommendations thereon. The Community development director or designee shall prepare a written report on the conformity of the tentative map to the provisions of the general plan, the zoning ordinance, and all other applicable requirements of this and other ordinances and regulations of the City of Porterville. (Ord. No. 1614, ' 4, 9-17-02)

The public works director/city engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this chapter and the provision of the
Subdivision Map Act. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-15. Form of map and content.
The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a person authorized by state law to prepare such a map, and the boundaries of the tentative map shall be a registered civil engineer authorized to perform land surveying or a licensed land surveyor certified as to accuracy by a registered civil engineer or licensed land surveyor. Tentative maps shall be eighteen by twenty-six inches (18” X 26”) in size, and drawn to a scale of not less than one inch equals one hundred feet (1” = 100’) or as approved by the Community development director or designee. Every map shall be clearly and legibly drawn and shall contain the following information:

(a) The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range)

(d) The tentative map shall contain a legible stamp and signature of the registered civil engineer or licensed surveyor.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III, Design and Construction Standards)

(i) Show typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:

1. One (1) foot contour interval for ground slopes between level and five (5) percent.

2. Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) A preliminary grading plan whenever a subdivision has:

1. Any elevation two (2) feet or more in vertical depth and/or any cut slope five (5) feet or more in vertical height;

2. Any embankment placed on natural grade greater than three (3) feet in depth with slope steeper than five (5) feet horizontal to one (1) foot vertical. No such embankment shall
obstruct a drainage course;

(3) Any portion with an elevation differential of one and one-half (1-1/2) feet or more from adjacent property.

(m) The approximate widths, location and purpose of all existing or proposed easements.

(n) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(o) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(p) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(q) Public areas proposed.

(r) City limit lines.

(s) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.

(t) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(u) If developed in increments, maps shall indicate approximate sequence of development.

(v) For residential subdivisions, the school district and schools serving the subdivision.

(w) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(v) The location and sizes of existing and proposed utility lines and structures.

(w) The elevation of sewers at the proposed connection. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '84, 9-17-02)

Sec. 21-16. **Owner's statement and accompanying data.**

Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and general plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(e) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.
(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-16.1a Transmittal of maps to public agencies and utilities

A. When the tentative map is received and filed under the provisions of this title, the community development director or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

1. Public Works Director/City Engineer
2. Chief Building Official
3. Police Department
4. Fire Department
5. Field Services Manager
6. Office of Intergovernmental Management when required under Section 12037 of the Government Code
7. Tulare County Resource Management Agency
8. Southern California Edison or other affected electric company
9. The Gas Company or other affected gas company
10. SBC phone company or other affected phone company
11. Cable TV companies affected
12. School Districts as required by Section 66455.7 of the Subdivision Map Act
13. Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

B. Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the community development director who shall incorporate them into his or her report and recommendations to the advisory agency.

C. The departments of the city to which the map is transmitted shall file with the community development director within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Subdivision Map Act coming within the jurisdiction of such department.

Sec. 21-17. City council action.

Within the timeframes established in the Permit Streamlining Act fifty (50) days after the acceptance of a tentative map of a subdivision, unless such time is extended by agreement with the subdivider, the city council shall act thereon, unless an extension is agreed upon by the subdivider as provided for in the Act. If the city council shall find that the proposed map complies with the requirements of this chapter and the Subdivision Map Act, it shall approve the map. If the city council finds that the proposed map does not meet the requirements of this chapter and the Subdivision Map Act, it shall conditionally approve or disapprove such map. Within ten (10) days following the action by the city council, the Community development director or designee shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, '11, 8-19-86; Ord. No. 1614, '4, 9-17-02)

Sec. 21-17.1 Notice of hearing.
Notice of the time and place of any public hearing on this a particular matter shall be given by the council or the city clerk by mailing in the United States mail a written notice thereof, not less than ten (10) days prior to such hearing, to every person whose name and address appears on the latest available assessment roll as an owner of the property within the territory covered by such proposed change and within three hundred (300) feet of the outer boundaries thereof.

Such notice shall also be given by at least one (1) publication in a newspaper of general circulation published in the city, at least ten (10) days before the hearing, and by such other means as the council may deem necessary. (Ord. No. 1274, 1-4-83; Ord. No. 1362, '12, 8-19-86)

Sec. 21-18. Expiration of maps and extensions of time.

(a) Expiration. The effective life of an approved tentative parcel map or tentative subdivision map shall comply with the provisions of Sections 66463.5 and 66452.6 of the Subdivision Map Act, respectively. An approved or conditionally approved tentative map shall expire twenty-four (24) months after the date of its approval unless an additional period of time not to exceed an additional twelve (12) months is specifically requested in writing by the subdivider at the time the tentative map is filed with the city. The city council or parcel map committee shall consider such requests at the same time the tentative map is considered.

(b) Extension. Extensions for tentative parcel maps and tentative subdivision maps may be granted pursuant to the provisions of Sections 66463.5 and 66452.6 of the Subdivision Map Act, respectively. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the city council or by the parcel map committee, for a period or periods not exceeding a total of thirty-six (36) months. Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the Community development director or designee prior to expiration of the tentative map, who shall forward such to the city council or parcel map committee. If the parcel map committee denies a subdivider's application for an extension, the subdivider may appeal, in writing, to the city council within fifteen (15) ten (10) days after the parcel map committee has denied the extension. (Ord. No. 1614, '4, 9-17-02)

Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original parcel map committee or city council resolution which approved or conditionally approved the tentative map. If it can be reasonably demonstrated that any one (1) of the original mandatory findings of significance used to justify approval or conditional approval of the tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension shall may be denied.

(e) Time limit on extensions. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of thirty-six (36) months may be approved pursuant to Sections 66463.5 and 66452.6 of the Subdivision Map Act.

The expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the city council without first processing a new tentative map. Once a timely filing is made, subsequent actions of the city council or parcel map committee, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the city engineer shall be deemed a timely filing for purposes of this section. (Ord. No. 1153, '
Sec. 21-18.1. Vesting tentative maps.

(a) Citation and authority. This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).

(b) Purpose and intent. It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Subdivision Map Act and the subdivision ordinance. Except as otherwise set forth in the provisions of this section, the provisions of the subdivision ordinance shall apply to the vesting tentative map section.

(c) Consistency. No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan, or not permitted by the zoning ordinance or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.

(d) Definitions:

(1) A vesting tentative map shall mean a tentative map for a residential subdivision that shall have printed conspicuously on its face the words vesting tentative map at the time it is filed in accordance with section 21-18.1(f), and is thereafter processed in accordance with the provisions hereof:

(2) All other definitions set forth in the subdivision ordinance are applicable.

(e)(d) Application.

(1) This section shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the subdivision ordinance, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

(2) If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(f)(e) Filing and processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the subdivision ordinance for a tentative map, except as hereinafter provided:

(1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words...
A vesting tentative map.

(2) At the time a vesting tentative map is filed, a subdivider may be required to supply the following information in addition to the requirements set forth in sections 21-15 and 21-31:

a. Height, size, and location of buildings.
b. Geological studies.
c. Architectural plans.
d. Any other studies that are normally deferred to the building permit stage.

(g)(f) Expiration. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by the subdivision ordinance for the expiration of the approval or conditional approval of a tentative map.

(h) Vesting on approval of vesting tentative map.

(1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2.

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

(2) Notwithstanding subsection (h)(1), a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
b. The condition or denial is required, in order to comply with state or federal law.

(3) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in section 21-18.1(g). If the final map is approved, these rights shall last for the following periods of time:

a. An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
b. The initial time period set forth in subsection (h)(3)(a) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.
c. A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in subsection (h)(3)(a) expires. If the extension is denied, the subdivider may appeal that denial to the city council within fifteen (15) days.
d. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (h)(3)(a), (b) and (c), the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.
(i) Development inconsistent with zoning; conditional approval.

(1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding section 21-18.1(h)(1), confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

(2) The rights conferred by this subdivision shall be for the time periods set forth in section 21-18.1(h)(3).

(j) Applications inconsistent with current policies. Notwithstanding any provision of this section, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in section 21-18.1(h)(1) and section 21-18.1(l) and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. No. 1345, Exhibit A (Res. No. 1655), 1-7-86; Ord. No. 1362, 'A(14), 8-19-86)

ARTICLE VI. FINAL MAPS

Sec. 21-19. Filing final map.

The subdivider shall file the original and three (3) copies of the final map and required accompanying data with the city engineer. The said final map shall be accompanied by filing fees as specified in the comprehensive fee schedule. When a final map is submitted to the city engineer in accordance with this Code, it shall be accompanied by the following documents:

(a) Improvement plans. The original tracings of detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this chapter, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the public works director/city engineer for his approval and signature. All such plans shall be prepared in accordance with the requirements of the public works director/city engineer. Plan sheets shall be twenty-four inches by thirty-six inches (24” X 36”) and a plan and profile drawn to a scale of one inch equals fifty feet (1” = 50’), or an appropriate scale previously approved by the city engineer.

(b) Traverse sheets. Calculation and traverse sheets in a form approved by the city engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.

(c) Design data. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.

(d) Report and guarantee of title. The final map shall be accompanied by a current (within three months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of
the date of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the city council, there shall be filed with the county recorder a guarantee executed by a duly authorized title company for the benefit and protection of the city showing that the persons consenting to the preparation and recording of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.

(e) Preliminary soils report. A preliminary soil report prepared by a civil engineer registered by the State of California, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be kept on file for public inspection by the city. The preliminary soil report may be waived by the public works director/city engineer if adequate existing data is available as to the soil qualities of the soils of the subdivision.

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the City of Porterville building department.

(f) Improvement agreements. All agreements and improvement security required by state law or this Code.

(g) Utility statements. Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-20. Form and content.

(a) The final map shall be clearly and legibly drawn upon tracing cloth of good quality or polyester base film. All lines, letters, figures, certifications, acknowledgments and signatures shall be made in black waterproof opaque ink; except that affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with black opaque ink. If ink is used on a polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made therefrom. The size of each sheet shall be eighteen by twenty-six inches (18" x 26"). A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one (1) inch. The scale of the map shall be no less than one inch equals one hundred feet (1" = 100').

(c) The boundary of the subdivision shall be designated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The final map shall consist of a title sheet containing all required certificates and acknowledgments, and other sheets as necessary to show required lot dimensioning and survey data, as mentioned herein.

(d) When the final map consists of more than two (2) sheets, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the map shall bear the sheet number and number of sheets comprising the map.
(e) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown including bearings and distances of straight lines and radii and tangent distance and central angle and are length for all curves, lot dimensions; such information as may be necessary to determine the location of the centers of curves, tangent points and ties to existing monuments used to establish the subdivision boundaries.

(f) The final map shall show clearly any stakes, monuments, or other evidence found on the ground to determine the boundaries of the tract. The corners of adjoining subdivisions or portions thereof shall be identified by lot numbers, subdivision name with proper ties and recording information shown. Whenever the city engineer has established the center line of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown in the final map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the course and detail of relocation data used shall be stated.

(g) The map shall show the location and description of all monuments found or placed in making the survey of the subdivision with proper reference sufficient for relocation.

(h) Any unimproved natural watercourses wholly or partially within the proposed subdivision shall be indicated on the final map. The final map shall also show areas within the subdivision that are subject to inundation or flood hazard.

(i) The lots on the final map shall be numbered consecutively commencing with the number one (1), with no omissions or duplications. Additional information:

(1) The date, north point and scale.

(2) The location and names, without abbreviations, of all existing and proposed streets and alleys and adjoining streets.

(3) Dimensions in feet and hundredths of a foot.

(4) Subdivision name: Below the subdivision name shall be a legal description of the property being subdivided along with the recording information pertaining thereto.

(5) Existing and proposed rights-of-way or easements, and the dimensions and locations of same.

(6) City boundary lines.

(7) Acreage: The total acreage of the subdivision to the nearest one hundredth (1/100) of an acre shall be shown on the face of the final map.

(8) Basis of bearings.

(9) No lot in a subdivision shall be divided by the boundary line of a city, county or special district.

(Ord. No. 1153, §1, 7-18-78)

The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:
(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 0.25 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish and subdivision boundaries.

(d) Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision number shall be shown together with the description of the real property being subdivided.

(e) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

(g) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements vested in another public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

Sec. 21-21.——Survey and monument—Survey Monument Requirements

requirements:

(a) The survey and traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one (1) foot in ten thousand (10,000) feet of perimeter.

(b) (a) At the time of making a survey for final map or parcel map, unless survey is not required
pursuant to Section 66448 of the Subdivision Map Act, the engineer or surveyor shall set sufficient durable monuments to conform with city standards so that another engineer or surveyor may readily retrace the survey. At least one exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.

(c) (b) The monuments shall be approved by the city engineer and shall be per city standards. Any monument or bench mark, as required by this section, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the city engineer. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

(c) Interior monuments need not be set at the time of the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Subdivision Map Act.

(d) Within five (5) days after the final setting of monuments has been completed, the engineer or surveyor shall give written notice to the subdivider, and to the city engineer that the final monuments have been set in accordance with Section 66497 of the Subdivision Map Act.

Sec. 21-22. Certificates and acknowledgment. Statements and acknowledgments.

The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of final maps, and such certificates may be combined where appropriate:

(a) Certificate Statement by parties holding title. A certificate statement in accordance with the provisions of Section 66436 of the Map Act.

(b) Dedication certificate Statement. A certificate statement in accordance with Section 66439 of the Map Act.

(b) Engineer's or Surveyor's certificate Statement. A certificate statement in accordance with Section 66441 of the Map Act.

(c) Soils Engineer's Statement. A statement referring to preliminary soils reports on file with the City in accordance with Section 66434.5 of the Map Act.

(d) Certificates Statement to be executed. Certificates Statement for execution by each of the following:

- city engineer;
- community development director or designee;
- city clerk;
- county recorder.
Sec. 21-23.  Dedications and reservations.

(a) Dedications. All streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use shall be offered for dedication for public use. The council or the city engineer, on behalf of the city council pursuant to Section 1806 (c) of the Streets and Highways Code, may accept said dedications. If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the council or the city engineer may, by resolution at any later date and without any further action by the subdivider, rescind the city’s action and accept and open the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Subdivision Map Act. (Ord. No. 1590, 'B, 2-20-01)

(1) Half-streets shall be discouraged in developments except in those situations where warranted and when approved by the city engineer;

(2) Where a full pavement street is constructed along the perimeter of a subdivision, the developer be compensated for this construction by reimbursement agreement between the developer, the city and the adjoining property owner when development occurs on his property; and

(3) Where a half street-configuration is allowed, the outside edge shall be a thickened design approved by the city engineer, and that when the other half of the street is constructed by development, the developer shall be required to overlay the existing half street with pavement (making for a smooth transition at the center and a smoother traveled way). No parking signs shall be posted by the developer if there are no lots fronting on the half-street.

(4) When there are lots fronting on the half-street the dedication and improvement shall be wide enough to permit two (2) lanes of traffic and on-street parking on one (1) side.

(b) Waiver of direct access right. The city council, at its discretion, may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereof.

(e) Reservations. At the discretion of the city council, areas of real property within the subdivision may be reserved for future need for fire stations, libraries, recreational facilities, or other public uses pursuant to the applicable provisions of the Subdivision Map Act. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-23.1  Reservations

A. As a condition of approval of a tentative map, the subdivider may be required to reserve real property within the subdivision for parks, recreational facilities, fire stations, libraries, freeways or other public uses, subject to the following conditions:

1. Such requirement is based upon an adopted specific plan or an adopted general plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.
2. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.

3. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

B. The reservation area shall conform to the adopted specific plan or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

C. The reservation requirement may be in addition to requirements for dedications and/or improvements of property within the subdivision for the same or other purposes.

D. The City shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two years after completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

E. If the city does not enter into the agreement required, the reservation of such area shall automatically terminate.

Sec. 21-24. Public improvement agreement.
Prior to the approval by the city council of the final map, the subdivider shall execute and file an agreement between himself and the city specifying the period within which he shall complete all public improvement work to the satisfaction of the city engineer, and providing that if he shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall also provide for inspection of all public improvements by the public works director/city engineer and that the cost of such inspections shall be reimbursed to the city by the subdivider. (Ord. No. 1153, '1 7-18-78)

Sec. 21-25. Improvement security.
(a) Security. The subdivider shall file with the agreement required by the provisions of section 21-24, to assure his full and faithful performance thereof, a bond or security for such sum as the city engineer deems sufficient to cover the cost of the improvements.

(b) Security. Form, amount. Such security shall be in the manner, form, and kind provided by the Subdivision Map Act and acceptable to the city attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty (50) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements.

The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year following acceptance of said improvements by the city.
In lieu of a one hundred (100) percent performance bond and fifty (50) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred ten (110) percent of the cost of the work estimated by the public works director/city engineer. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:

1. Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-five (35) days after the filing of the notice of completion.

2. Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety (90) percent of value of work completed, with authorization of the city engineer until all work is completed and the notice of completion is filed; at which time the remaining funds shall be released thirty-five (35) days thereafter.

3. Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a one (1) year maintenance bond in the amount of five (5) percent of the estimated cost of improvements.

(c) Completion of work by city. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the city shall have completed the same, or if the subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one (1) year guarantee period, the city shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of such bond or certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured in an action to be brought therefore by the city. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-26. Approval by city engineer.
Upon receipt of the final map and other data submitted therewith, the city engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this chapter or any other ordinance and the Subdivision Map Act applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the city engineer shall determine the final map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the city engineer shall determine that full conformity therewith has been made, he shall so certify on said map and shall transmit said map to the city council for approval. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-27. City council approval.
(a) The city council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this chapter and the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.

(b) The council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this article or by law are not
completed before the filing of the final map, the council may enter into an agreement with the subdivider for posting improvement security as provided in this chapter. The city engineer, upon the approval of the final map by the city council, shall transmit the map to the clerk of the board of supervisors, who shall record same. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1274, 1-4-83)

ARTICLE VII. PARCEL MAP SUBDIVISION

Sec. 21-28. Purpose.
This article is adopted in order to establish rules, regulations and specifications for the subdivisions of land described in subsections 66426 a, b, c, and d of the Map Act. (Ord. No. 1153, ' 1, 7-18-78)

Sec. 21-29. Parcel map committee responsibilities.
A parcel map committee is hereby created and is designated as the advisory agency and shall review and approve, conditionally approve or disapprove tentative parcel maps. Said parcel map committee shall include the Community development director or designee, the city engineer or his designee and the fire chief or his designee. The Community development director or designee shall serve as committee chairman. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, ' 4, 9-17-02)

Sec. 21-30. Tentative parcel maps; filing.
(a) Ten (10) Twenty-three (23) copies of the tentative parcel map and one photo-ready master (11"X17" maximum) legible sepias shall be filed with the community development director or designee. (Ord. No. 1614, ' 4, 9-17-02)

(b) The tentative parcel map shall be accompanied by an application fee as established by city council resolution.

(c) The Community development director or designee may refuse to accept a tentative parcel map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this article. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-31. Tentative parcel map; form and content.
The subdividers shall cause the tentative parcel map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to practice surveying or licensed land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18" X 26"). The tentative parcel map shall be legibly drawn in pencil or ink, and shall use a decimal or an engineer's scale of not less than one inch equals one hundred feet (1" = 100’), unless the Community development director or designee determines that a different scale will be adequate and appropriate for the tentative map.

The tentative map shall clearly show the following information:

(a) A key map showing the location of the subject property, adjacent property, subdivisions, streets or roads and other development which would affect the tentative map.

(b) The dimensions and boundaries of the original parcel, with a legal description of the original parcel attached to the map.

(c) The dimensions, computed area, and boundaries of each parcel to be created.
(d) All existing surface and underground structures and improvements located on the original parcel; together with the exterior dimensions of said structures and improvements, the distance between structures and improvements; and the distance from the structures and improvements to the boundary line of the lots which are to be created by the proposed division of land.

(e) The names, locations and widths of all existing and proposed streets abutting the original parcel.

(f) The location, purpose and width of all existing and proposed easements, and the names of the owners and proposed owners of the easements. Easement boundaries shall be shown by means of a dotted line.

(g) Sufficient elevations and contours to determine the general slope of the land and the high and low points thereof shall be shown.

(h) Approximate location of all areas subject to flooding or ponding of surface water; the location, width and direction of flow of all watercourses; and the location of adapted floodplain lines.

(i) Existing use or uses of property.

(j) Proposed use of the property; and, if the property is proposed to be used for more than one (1) purpose, the areas proposed for each type of use.

(k) Statement of the improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed.

(l) Proposed provisions for storm drainage and runoff disposal.

(m) North point, scale and date of preparation.

(n) Provisions for sewage disposal.

(o) The proposed water supply.

(p) The names, addresses and telephone numbers of the property owners, the person filing the map, and the registered civil engineer authorized to practice surveying or licensed land surveyor, if any, who prepared the map.

(q) A statement signed by the owner of the property certifying the division request and accuracy of the information shown. (Ord. No. 1153, 1-1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, 4-14, 9-17-92)

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range).

(d) The tentative map shall contain a legible stamp and signature of the registered civil engineer or licensed surveyor.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of
the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(j) Radius of each curve (in accordance with Article III, Design and Construction Standards)

(k) Show typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:

   (1) One (1) foot contour interval for ground slopes between level and five (5) percent.

   (3) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) A preliminary grading plan whenever a subdivision has:

   (4) Any elevation two (2) feet or more in vertical depth and/or any cut slope five (5) feet or more in vertical height;

   (5) Any embankment placed on natural grade greater than three (3) feet in depth with slope steeper than five (5) feet horizontal to one (1) foot vertical. No such embankment shall obstruct a drainage course;

   (6) Any portion with an elevation differential of one and one-half (1-1/2) feet or more from adjacent property.

(m) The approximate widths, location and purpose of all existing or proposed easements.

(n) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(o) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(p) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(r) City limit lines.

(s) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.

(t) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(v) For residential subdivisions, the school district and schools serving the subdivision.
(w) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(v) The location and sizes of existing and proposed utility lines and structures.

(w) The elevation of sewers at the proposed connection. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '84, 9-17-02)

Sec. 21-31.1 Owner's statement and accompanying data.

Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and general plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(g) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system. (Ord. No. 1153, '71, 7-18-78)

Sec. 21-31.2a Transmittal of maps to public agencies and utilities

A. When the tentative map is received and filed under the provisions of this title, the community development director or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

1. Public Works Director/City Engineer
2. Chief Building Official
3. Police Department
4. Fire Department
5. Field Services Manager
6. Office of Intergovernmental Management when required under Section 12037 of the Government Code
7. Tulare County Resource Management Agency
8. Southern California Edison or other affected electric company
9. The Gas Company or other affected gas company
10. SBC phone company or other affected phone company
11. Cable TV companies affected
12. School Districts as required by Section 66455.7 of the Subdivision Map Act
13. Affected owner of irrigation ditches or canals, and any other public agency or public
utility affect by the subdivision.

B. Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the community development director who shall incorporate them into his or her report and recommendations to the advisory agency.

C. The departments of the city to which the map is transmitted shall file with the community development director within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Subdivision Map Act coming within the jurisdiction of such department.

Sec. 21-32. Consideration of tentative parcel maps.
Not later than thirty (30) calendar days after the community development director or designee has received an application for a tentative map approval, the community development director or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Community development director or designee's determination shall specify those parts of the application which are complete and shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. After the Community development director or designee accepts an application as complete, the city shall not subsequently request of an applicant any new or additional information which was not requested as part of the application. The community development director or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(a) The parcel map committee shall review and approve, conditionally approve or disapprove the tentative parcel map within thirty (30) days after the date of acceptance of a complete application by the community development director or designee. Noticing shall be as provided in section 21-17.1 of this chapter.

(b) If the parcel map committee determines that the tentative parcel map complies with all of the provisions of this article, general plan, zoning ordinance, and the Subdivision Map Act, it shall approve the map.

(c) If the tentative parcel map fails to meet one or more requirements set forth in this article, the parcel map committee may approve the map subject to such conditions as may be necessary to conform to such requirements.

(d) When approving or conditionally approving the tentative parcel map, the parcel map committee shall specify the dedications and improvements to be made by the owner.

(e) Within seven (7) days after the action by the parcel map committee, written notice of the action by the parcel map committee shall be mailed to the applicant.

(f) Upon approval of the tentative parcel map by the parcel map committee, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the Community development director or designee and the city engineer. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '4, 9-17-02)

Sec. 21-33. Appeals.
(a) **Parcel map committee actions.** The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the parcel map committee by filing a notice thereof, in writing, with the Community development director or designee City Clerk setting forth in detail the action and the grounds upon which the appeal is based, within ten (10) days after the action which is the subject of the appeal. An appeal shall state specifically where it is claimed there was an error or abuse of discretion by the parcel map committee.

(b) **Hearing of appeals.** Upon the filing of such an appeal, the Community development director or designee City Clerk shall set the matter for hearing before the city council. Such hearings shall be held within thirty (30) days after the date of filing the appeal. The city council shall consider the matter as an appeal de novo and as such may affirm, reverse or modify the action of the parcel map committee, or refer the matter back to the parcel map committee for further action. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, 'A(15), 8-19-86; Ord. No. 1614, '4, 9-17-02)

**Sec. 21-34. Time limits and extensions of time on tentative parcel maps.**

Findings, time limits and extensions of time for tentative parcel maps shall be the same as provided for by section 21-18 of this chapter. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1327, 4-2-85)

**Sec. 21-35. Improvements.**

Pursuant to the provisions of the Subdivision Map Act, the subdivider shall install, construct and/or provide all on- or off-site improvements as required by the parcel map committee; and such improvements shall be in conformance with all applicable provisions of article VIII of this chapter. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-36. Right-of-way dedications.**

Pursuant to the Subdivision Map Act, the subdivider shall provide such dedication of right-of-way or easements as may be required by the parcel map committee. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-37. Final parcel maps.**

Within the time limit designated in section 21-34 of this article, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges, the applicant may file with the city engineer, who shall approve, a final parcel map which shall substantially conform to the approved tentative parcel map and all applicable provisions of the Subdivision Map Act. The appropriate certificates, statements as provided by the applicant in accordance with the provisions of the Subdivision Map Act, shall be signed by the city engineer upon the parcel map; and the final parcel map shall be transmitted to the clerk of the county board of supervisors for ultimate transmittal to the county recorder. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-38. Survey requirement.**

If the division of land creates four (4) or less parcels, the final parcel map may be compiled from recorded or filed data when survey information exists on recorded or filed maps to sufficiently locate and retrace the exterior boundary lines of the final parcel map and when the location of at least one (1) of these boundary lines can be established from an existing monumented line. In all other cases, the final parcel map shall be based on a field survey of the land conducted in accordance with the Land Surveyor's Act of the State of California. All new lot corners shall be monumented and based on a field survey. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)
Sec. 21-39. Information on final parcel map.

(a) Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth \((1/100)\) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.

(b) The final parcel map shall also contain the following information:

1. The tentative parcel map number and date of preparation.

2. The net dimensions of each lot. No ditto marks shall be used.

3. The names, locations and right-of-way widths of all abutting public streets.

4. The proposed location, purpose and width of all proposed public roads and private access easements.

5. The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.

6. Location and widths of easements for public utilities, if required.

7. The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.

8. Building setback lines, if applicable.

9. A north point and graphic scale.

10. Location or vicinity map at a minimum scale of one (1) inch equals one (1) mile.

11. Names and addresses of the owners of the property being divided. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-40. Required certifications statements.

(a) All required dedications of rights-of-way or easements shall be certified on the final parcel map by appropriate statements in accordance with Section 66447 of the Map Act.

(b) All parties having any record title interest in the real property subdivided shall sign a certificate statement on the final parcel map in accordance with subsections 66436 and 66445 of the Map Act.

(c) A certificate statement of the registered civil engineer or licensed land surveyor who prepared the survey and the parcel map in compliance with Section 66449 of the Map Act.

(d) A certificate statement for execution by the city engineer which complies with Section 66450 of the Map Act.

(e) A certificate statement for execution by the community development director or designee on behalf
of the parcel map committee certifying that the final parcel map conforms to the approved tentative parcel map.

(f) Additional information to be filed or recorded with the final map as required in accordance with Section 66434.2 of the Map Act. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1392, '13, 11-17-87; Ord. No. 1614, '4, 9-17-02)

Sec. 21-41. Waiver of requirements for parcel maps.

(A) The requirement for a final parcel map may be waived if a finding is made by the parcel map committee that the proposed division of land complies with all requirements of this chapter and the zoning ordinance as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No final map will be required for tentative maps approved under this section. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

(B) Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Subdivision Map Act. When approval has been given to an application for a waiver of the requirement of a parcel map, the city engineer shall issue a certificate of compliance, and shall cause said certificate of compliance to be filed with the recorder of the county.

Sec. 21-42. Lot line adjustment.

Pursuant to Government Code Section 66412(d), a lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the city engineer and community development director or authorized representatives without the approval and filing of a parcel map. Such lot line adjustments shall be accomplished in accordance with the following procedures:

A. Applications for lot line adjustments shall be filed with the community development director and shall be in the form and contain the information required of a tentative parcel map together with legal descriptions of each parcel.

B. The property owner(s) or agent shall file an application for a lot line adjustment with the City, submit evidence of title to all parcels to be affected, submit a proposed lot line adjustment, and pay the processing fee established by resolution of the city council.

C. The community development director and city engineer, or an authorized designee, shall consider and approve the application if it is found that the parcels created by the lot line adjustment will conform to the requirements of this code and applicable state law.

D. The lot line adjustment shall be evidenced by recording a deed describing each affected parcel and a City resolution signed by the community development director and city engineer. The deed and resolution shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements.

The city engineer may require the applicant to dedicate additional street right of way when necessary for the completion of the ultimate street right of way.

A lot line adjustment between two (2) or more adjacent parcels, where the land taken from one (1) parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not thereby created, may be approved by the city engineer and Community development director or designee or
authorized representatives without the approval and filing of a parcel map. Applications for lot line adjustments shall be filed with the Community development director or designee and shall be in the form and contain the information required of a tentative parcel map together with legal descriptions of each parcel. A lot line adjustment shall not be approved unless the proposed parcels comply with the requirements of the zone in which the parcels are located. The lot line adjustment shall not be complete until the resolution of approval and legal descriptions are recorded in the office of the county recorder. The city engineer may require the applicant to dedicate additional street right of way when necessary for the completion of the ultimate street right of way. (Ord. No. 1153, '11, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '04, 9-17-02)

Sec. 21-43. Merger.

Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Subdivision Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Subdivision Map Act or this article enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the City of Porterville may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

(a) At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.

(b) With respect to any affected parcel, one (1) or more of the following conditions exists:

(1) Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
(3) Does not meet current standards for sewage disposal and domestic water supply.
(4) Does not meet slope stability standards.
(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
(6) Its development would create health or safety hazards.
(7) Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

(c) Notification of intention to merge, hearing. Prior to recording a notice of merger, the Community development director or designee shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Tulare County Recorder on the date that notice is mailed to the property owner.

(d) Request for hearing. At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the Community development
director or designee a request for a hearing on determination of status.

(e) **Procedure for hearing.** Upon receiving a request for a hearing on determination of status, the Community development director or designee shall fix a time, date and place for a hearing to be conducted by the city council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner's request therefor, but may be postponed or continued with the mutual consent of the Community development director or designee and the property owner.

(f) **Procedure for determination following hearing.** At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the city council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in subsections 21-43(a) and (b). A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

(g) **Determination when no hearing is requested.** If, within the thirty (30) day period specified in subsection (d), the owner does not file a request for a hearing, the Community development director or designee may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded with the Tulare County Recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by subsection (e).

(h) **Notice of intention for nonmerger.** If, in accordance with subsection 21-43(f) or (g), the Community development director or designee or city council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of intention to determine status, and shall mail a clearance letter to the then current owner of record.

*(Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1327, 4-2-85; Ord. No. 1362, 'A(16), 8-19-86; Ord. No. 1614,'4, 9-17-02)*

**Sec. 21-43.a   Property owner initiated merger of continuous parcel merger**

Pursuant to Government Code Section 66499.20 3/4, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

A. The property owner shall file an application for merger with the community development director, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the city council. Mergers shall be in the form and contain the information required of a tentative parcel map together with a legal description of the merged parcel.

B. The community development director and city engineer, or an authorized designee, shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.

C. The merger shall be evidenced by recording a certificate of compliance which lists the parcel numbers affected and is signed by the community development director and city engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of compliance shall be recorded
against each parcel that is merged.

Sec. 21-44. Certificate of compliance.
(a) Any person owning real property may request, and the community development director or designee shall determine, whether such real property complies with the provisions of the Subdivision Map Act and of this article. Upon making such a determination, the community development director or designee shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Subdivision Map Act and of this article. The community development director or designee may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If the community development director or designee determines that such real property does not comply with the provisions of the Subdivision Map Act or of this article, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the Subdivision Map Act or this article. Upon making such a determination and establishing such conditions, the community development director or designee shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '4, 9-17-02)

Sec. 21-44.1. Reversion to acreage.
(A) Subdivided real property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act.

(B) Proceedings for reversion to acreage may be initiated by the parcel map committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.

(C) The petition shall be in a form prescribed by the community development director or designee and shall contain the following:

(a) Adequate evidence of title to the real property within the subdivision.

(b) Sufficient data to enable the legislative body to make all of the determinations and findings required by this article, including a three hundred (300) foot radius map and property owners list.

(c) A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.

(d) Such other pertinent information as may be required by the community development director or designee and city engineer.

(D) A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the time and manner provided in section 21-17.1 of this chapter.
(E) Subdivided real property may be reverted to acreage and a final map approved for recordation only if the parcel map committee finds that:

(a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the city council in accordance with division 9, part 3 of the Streets and Highways Code of the State of California.

(b) Either:

(1) All owners of an interest in the real property within the subdivision have consented to reversion; or

(2) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

(3) No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

(F) As conditions of reversion, the city council shall require:

(a) Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.

(b) Retention of all previously paid fees if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(c) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(G) Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(H) When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable city ordinance, including the stipulations of this article. (Ord. No. 1327, 4-2-85; Ord. No. 1614, '4, 9-17-02)

ARTICLE VIII. IMPROVEMENTS

Sec. 21-45. General requirements.

The subdivider shall install improvements in accord with the general requirements set forth in this article; provided, however, the public work inspector/city engineer may require changes in typical sections and details if unusual conditions arise to warrant such changes. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-46. Standard specifications.

All improvements shall conform to the requirements contained in the City of Porterville Standard Plans and Specifications, Standard Specifications for Public Works Construction, and Work Area Traffic Control Handbook, as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the city clerk and the public work inspector/city engineer. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1386, 'C(1), 8-18-87)
Sec. 21-47. Improvement plans.
Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the city engineer. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and approved amendments thereto. All such plans shall be prepared on polyester base film with permanent black ink in accordance with the requirements of the public work inspector/city engineer. After construction is completed, the developer's engineer shall show all changes he makes made on the original set of plans and provide them to the city marked “as built plans”. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1386, 'C(2), 8-18-87)

Sec. 21-48. Improvement construction inspection and supervision.
All improvements shall be inspected and approved by the public work inspector/city engineer or his authorized representative. The subdivider shall be responsible for the actions of his contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by city personnel. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-49. Plan check and inspection fees.
Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city including the cost of recording maps. The plan check and inspection fee shall be as indicated in the city comprehensive fee schedule. The plan check fee shall be paid prior to commencement of plan checking by the city. The inspection fee shall be paid prior to any construction work requiring inspection. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1404, 'B(1), 7-5-88)

Sec. 21-50. Required improvements enumerated.
The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the public work inspector/city engineer. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

(a) Underground utilities. All utility distribution facilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility's rules and regulations on file with the California Public Utilities Commission.

Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities.

All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.
(b) Streets. All streets shall be graded and surfaced to cross sections and grades approved by public work inspector/city engineer.

(c) Structures. Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the public work inspector/city engineer.

(d) Grading and drainage. Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.

(e) Sidewalks, curbs, gutters and driveway approaches. Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the public work inspector/city engineer.

(f) Sanitary sewers. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the public work inspector/city engineer. No septic tanks or cesspools shall be permitted.

(g) Storm drains. Storm water sewers shall be installed as required by the public work inspector/city engineer.

(h) Water supply, fire flow, and fire hydrants. As provided in the Uniform Fire Code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The required fire flow shall be determined by the fire chief. When any portion of the building to be protected is in excess of one hundred fifty (150) feet from a water supply on a public street, there shall be installed, and supplied by the approved water supply, on-site fire hydrants capable of supplying the required flow.

1. Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow. In setting the requirements for fire flow, the chief may use the standard published by the Insurance Services Office, A Guide for Determination of Required Fire Flow.

2. The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Fire Chief. All hydrants shall be accessible to the Fire Department by access roadways meeting Uniform Fire Code requirements for “Access Roadways for Fire Apparatus”. Such fire protection facilities including all surfaces access roads shall be installed and made serviceable by the developer prior to the time of construction.

3. In a residential development, one fire hydrant shall be installed for each 500 feet of residential frontage, provided that the hydrant(s) shall be so located that no point in the development is more than 250 feet from a hydrant. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within 250 feet.
(4) In a commercial area or industrial development, one fire hydrant shall be installed for each 300 feet of commercial or industrial frontage; provided that the hydrant(s) shall be so located that no point in the development is more than 150 feet from a hydrant. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within a distance defined by Table A-III-B-1 of the Uniform Fire Code.

(5) When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the Chief.

(6) Design, locations, and layout of water mains and fire hydrants shall be approved by the City Engineer and the Fire Chief, and shall be installed by the developer.

(7) The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to the fire department apparatus by access roadways meeting Uniform Fire Code requirements for Access Roadways for Fire Apparatus. Such fire protection facilities, including all surface access roads, shall be installed and made serviceable by the developer prior to the time of construction.
   a. 4500 GPM; required duration is 4 hours.
   b. 4000 GPM and greater; required duration is 4 hours.
   c. 3000 GPM – 3750; required duration is 3 hours.
   d. 1500 GPM – 2750; required duration is 2 1/2 hours.
   e. 2500 GPM and less; required duration is 2 hours.

(i) Subdivision trees. Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the city director of parks and leisure services, all in general accord with the requirements of the Porterville Municipal Code. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector street, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.

(j) Street signs. Street signs shall be installed by the city at the subdivider's expense. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications.

(k) Street lights. Ornamental street lights shall be installed by the subdivider at locations designated by the city engineer.

(l) Railroad crossings. Provisions shall be made for any and all railroad crossings necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the Public Utilities Commission of the State of California for the establishment and improvement of such crossing.

(m) Lot corners. The subdivider's engineer shall set at all lot corners a marker consisting of a one (1) inch diameter iron pipe twenty-four (24) inches long filled with cement, with the engineer's marker thereon.
(n) **Bench marks.** The subdivider’s engineer shall set at least two (2) bench marks in the subdivision tied to United States Coast & Geodetic Survey (USC & GS) datum. Bench marks with elevations and based on USC & GS datum are located at all section and quarter-section corners.

(o) **Ponding-Temporary Drainage Reservoir lots.** Ponding Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the public work inspector/city engineer and the director of parks and leisure services.

(p) **Others.** Other improvements where deemed necessary by the city council for the public health, safety or welfare. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-51. Agreement for installation of improvements.**

Prior to the approval by the city council of the final map, the subdivider shall execute and file an agreement between himself and the city, specifying a period, agreeable to the public work inspector/city engineer, which shall be not greater than one (1) year, within which he shall complete all improvement work to the satisfaction of the public work inspector/city engineer, and providing that if he shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the public work inspector/city engineer or his authorized representative and reimbursement to the city by the subdivider for the cost of such inspection. Such agreements may also provide:

(a) For the construction of the improvements in units.

(b) For an extension of time under conditions therein specified.

(c) For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the public work inspector/city engineer to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.

(d) For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this article; provided, however, that no such progress payment shall be made for more than ninety (90) percent of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the public work inspector/city engineer. (Ord. No. 1153, ' 1, 7-18-78)

**Sec. 21-51.1. Construction of improvements absent subdivision agreement.**

If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in section 21-51 of this article, then the subdivider shall execute and file a preliminary subdivision agreement between himself the subdivider and the city. The preliminary subdivision agreement shall specify a period of time, not to exceed one (1) year, within which he shall complete all improvements shall be completed, and providing that if he the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city.

Such agreements may also provide for:

(a) The subdivider to arrange a preconstruction conference with the city, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.
Sec. 21-52. Supplemental improvements.
(a) Required. The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.

(b) Supplemental improvements; reimbursement agreement. The city shall enter into an agreement for reimbursement to the subdivider of the cost of the supplemental capacity, size or number. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements.

(c) Supplemental improvements; reimbursement procedures. To pay the cost of such reimbursement, the city council may at its discretion:

(1) Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefitted thereby; or

(2) Collect a reasonable use charge for the account of the subdivider from persons not within the subdivision using the oversized improvements. (Ord. No. 1153, ' 1, 7-18-78)

Sec. 21-53. Utility fees and off-site charges.
The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable council resolution or ordinance. Utility fees, excluding acreage fees, for subdivisions shall be collected prior to acceptance of subdivision improvements by the city. Engineering plan checking, inspection fees, acreage fees and off-site charges, i.e., street signs, subdivision trees, etc., shall be paid prior to approval of the subdivision agreement by the city council. (Ord. No. 1153, ' 1, 7-18-78, Ord. No. 1274, 1-4-83)

ARTICLE IX. MISCELLANEOUS

Sec. 21-54. Voidability of deeds or contracts.
Any deed of conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in solvency or bankruptcy, within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee. (Ord. No. 1153, ' 1, 7-18-78)

Sec. 21-55. Penalties.
Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this chapter is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars ($500.00), or imprisonment in the county jail for a period of not more than six (6) months, or both such fine and imprisonment. (Ord. No. 1153, ' 1, 7-18-78)
CITY COUNCIL AGENDA: NOVEMBER 7, 2006

PUBLIC HEARING- CONTINUED

SUBJECT: ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On October 3, 2006, the City Council continued the public hearing for the proposed Ennis Estates project. That evening, representatives of Ennis Homes presented information to the City Council regarding the compatibility of the project and adjacent projects. The applicant requested that the matter be continued to the October 17, 2006 Council meeting to allow time for further discussion between the interested parties. That evening the applicant requested to continue to the November 7, 2006 meeting. The applicant is once more requesting the item be continued to the November 21, 2006 City Council meeting to allow for further discussion between the interested parties.

The applicants are requesting approval of the Ennis Estates Tentative Subdivision Map to divide a 34.1± acre parcel east of Lombardi Street and south of the prolongation of Castle Avenue in northwest Porterville. The City’s General Plan Land Use Map shows that the project area is designated Low Density Residential and is in the R-1 (Single-family Residential) Zone. The property will be divided into approximately 70 estate size (17,000 square foot average) single-family residential lots. Two lots, one approximately 6,400± square feet and the other 9,580± square feet will be pocket parks maintained by a Homeowners Association. The project will be constructed in one phase.

RECOMMENDATION: That the City Council:

1. Continue the Public Hearing to the November 21, 2006 City Council Meeting.
COUNCIL AGENDA - NOVEMBER 7, 2006

SUBJECT:         SECOND READING - ORDINANCE NO. 1707, PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN’S FACILITIES

SOURCE:         Administration/City Clerk Division

COMMENT:        Ordinance No. 1707, adding Article V, Sections 18-55 through 18-60 to Chapter 18 of the Porterville Municipal Code Concerning Proximity of Registered Sex Offenders to Children’s Facilities, was given First Reading on October 17, 2006, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1707 and waiving further reading, and adopt said ordinance.

Attachment:     Ordinance No. 1707

Item No. 27
ORDINANCE NO. 1707

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDING ARTICLE V, SECTIONS 18-55 THROUGH 18-60 TO CHAPTER 18
OF THE PORTERVILLE MUNICIPAL CODE CONCERNING PROXIMITY
OF REGISTERED SEX OFFENDERS TO CHILDREN’S FACILITIES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PORTERVILLE, ASfollows, TO

WIT:

SECTION 1. Article 5 (Sections 18-55 through 18-60) is hereby added to Chapter 18 of the
City Code and shall read as follows:

18-55. Purpose.

Sex offenders pose a clear threat to the children residing, or visiting in the community.
Because convicted sex offenders are more likely than any other type of offender to reoffend
for another sexual assault, the City Council desires to impose safety precautions in furtherance of
the goal of protecting the children. The purpose of this regulation is to reduce the potential risk of harm
to children of the community by impacting the ability for sex offenders to be in contact with
unsuspecting children in locations that primarily designed for use by, or are primarily used by
children, namely, the grounds of a public or private school for children, a center or facility that
provides day care or children’s services, a video arcade, a playground, park, or an amusement
center. The City desires to add location restrictions to such offenders where the state law is silent.

18-56. Definitions.

1. “Arcade” shall have the meaning ascribed by Section 3302.A.7.5 of the Porterville Zoning
Ordinance.

2. “Child” or “children” means any person under the age of eighteen years of age.

3. “Child care and development facility” shall have the meaning ascribed by California Education
Code Section 8208.

4. “Loitering” means remaining or wandering in a public or private place for the apparent
purpose of observing any minor or minors, or with the apparent purpose or intent of engaging
or soliciting any person to engage in any sexual act of any kind, or after having been told to
leave by the owner or any authorized official of such place or facility.

5. “Playground” shall have the meaning ascribed by Section 3302.A.73 of the Porterville Zoning
Ordinance.

6. “Public Park” or “Recreation Areas” shall have the meaning ascribed by Section 15-43(j) of this
code.

7. “Public Building Regularly Frequent by Children” shall have the meaning ascribed by Section
15-43(i) of this code.

8. “Sex offender” means an individual who is currently required by law to register with a
governmental entity as a sex offender.

18-57. Prohibitions.

Any sex offender is prohibited from being on or within, or loitering on or within, three hundred (300)
feet of a public or private school for children, a child care and development facility, a public park or
recreation area, playground, arcade, or public building regularly frequented by children.
18-58. Exceptions.

(i) This article does not restrict access to public parks for the purpose of exercising the constitutional rights of free expression and assembly, so long as such activity does not amount to loitering as defined in Section 18-56 of this Article.

(ii) This article does not restrict access to schools or child care and development facilities for purposes limited to the education and care of child with regard to the sex offender's responsibilities as a parent or legal guardian.

(iii) This chapter does not apply to restrict a sex offender's place of residence when regulated by state law.

18-59. Enforcement.

Any person who violates this chapter is guilty of a misdemeanor. Each offense shall be punished by a fine not less than twenty-five dollars or more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. A person is guilty of a separate offense for each and every day during which a violation occurs.

18-60. Severability.

It is declared to be the intention of the City Council that the subsections, paragraphs, sentences, clauses, and phrases of this Article are distinct and severable and, in the event that any subsections, paragraphs, clauses and/or phrases are declared to be unconstitutional, invalid, or unenforceable by any court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining subsections, paragraphs, clauses, or phrases of this Article.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this ______ day of ____________, 2006.

President of the Council and Ex-Officio
Mayor of the City of Porterville

ATTEST:

Chief Deputy City Clerk and Clerk
of the Council of the City of Porterville

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SUBJECT: SECOND READING - ORDINANCE NO. 1708, ADDING ARTICLE IV, SECTIONS 19-45 THROUGH 19-49 TO CHAPTER 19 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING SKATEBOARD FACILITIES

SOURCE: Administration/City Clerk Division

COMMENT: Ordinance No. 1708, adding Article IV, Sections 19-45 through 19-49 to Chapter 19 of the Porterville Municipal Code Concerning Skateboard Facilities, was given First Reading on October 17, 2006, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1708 and waiving further reading, and adopt said ordinance.

Attachment: Ordinance No. 1708

Item No. 28
ORDINANCE NO. 1708

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE IV, SECTIONS 19-45 THROUGH 19-49 TO CHAPTER 19 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING SKATEBOARD FACILITIES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PORTERVILLE, AS FOLLOWS, TO WIT:

SECTION 1. Article 4, Skatepark Regulations, Sections 19-45 through 19-49, is hereby added to Chapter 19 of the City Code and shall read as follows:

ARTICLE IV. SKATEPARK REGULATIONS

19-45. Purpose and Intent.

The City Council finds and declares that the purpose of this chapter is to comply with California Health and Safety Code Section 115800 with regard to the operation of any and all skateboard parks and facilities operated by the City, as well as to set forth basic requirements for use of such parks and facilities.


In any skateboard park or facility owned or operated by the City, any person riding a skateboard, in-line skates, a bicycle or similar device shall wear a helmet, elbow pads, and knee pads.

19-47. Facility/Park Signs and Rules.

(a) The Parks and Leisure Services Department shall cause a sign or signs to be posted at all such parks or facilities providing reasonable notice of Section 19-46 and stating that any person failing to comply with this section will be subject to citation in accordance with this ordinance and the City’s applicable regulations.

(b) The Parks and Leisure Services Commission shall prepare additional rules for use of city-owned Skateboard facilities consistent with this ordinance. The rules shall be posted at the applicable facility(ies) and shall state that any person that fails to comply with these rules will be subject to citation in accordance with this ordinance and the City’s applicable regulations.
19-48. **Violations, Enforcement and Penalties.**

(a) Any violation of Section 19-46 and/or the posted rules shall be deemed to be an misdemeanor, and punishable as such; however at the discretion of the City Attorney, the violation may be filed and charged as an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction. Any person found guilty of an infraction shall be punished by a fine not to exceed one hundred dollars ($100.00) for the first violation in a one year period, a fine not to exceed two hundred dollars ($200.00) for the second violation in a one year period, and a fine not to exceed five hundred dollars ($500.00) for third and subsequent violations, charged as infractions, in a one year period. Individuals found guilty of a misdemeanor under this Ordinance shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed sixty (60) days in jail, or both, in the discretion of the court. In addition to the provisions of this section, subsequent violations of this Ordinance by the same person within 120 days, may, in the discretion of the City Attorney, constitute a misdemeanor. Violators, may, in the discretion of the City Attorney and with approval of the court, be referred to an appropriate community service program, in the alternative or in addition to the penalty provisions of this section, if such program is available.

(b) Notwithstanding the police department’s ability to confiscate a skateboard as an instrumentality or evidence of a violation of this Ordinance, and in addition to the enforcement provisions of the preceding section, the City may seize and hold the skateboard at the time an individual is cited for any violation of any provisions of this Article for the second time within a one year period. Any time a violator’s property is confiscated pursuant to this section, the City shall provide the violator with a receipt and notice of a time and location for an automatic hearing in front of the City’s designated administrative hearing officer no later than ten (10) days from confiscation of the skateboard. The violator shall be entitled to the return of the skateboard either 180 days from the date of the confiscation, or at the time as determined at the conclusion of the hearing.

(c) Any person who fails or refuses to comply with the provisions of Section 19-46 and who is injured while using the park or facility shall be deemed negligent.

(d) A violation of any of the provisions of this Ordinance shall constitute a nuisance and may be abated by the City through a civil process by means of restraining order, preliminary or permanent injunction, or in any manner provided by law for the abatement of such nuisances. With regard to violations committed by minors, the parent or legal guardian having control or custody of the minor whose conduct violates this section shall be jointly and severally liable with the minor for all penalties and/or costs and fees.
(e) The City shall be entitled to recover all attorney’s fees and costs incurred in the filing or prosecution of any action or administrative proceeding brought to enforce any provision(s) of this Ordinance.

19-49. Severability.

It is declared to be the intention of the City Council that the subsections, paragraphs, sentences, clauses, and phrases of this Article are distinct and severable and, in the event that any subsections, paragraphs, clauses and/or phrases are declared to be unconstitutional, invalid, or unenforceable by any court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining subsections, paragraphs, clauses, or phrases of this Article.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this ___7th___ day of ___November___, 2006.

___________________________
President of the Council and Ex-Officio
Mayor of the City of Porterville

ATTEST:

___________________________
Chief Deputy City Clerk and Clerk
of the Council of the City of Porterville
SUBJECT: Consideration of Establishing A Porterville Courthouse Steering Committee and Appointing Members to The Committee

SOURCE: City Manager

At a recent meeting, the Council, at the recommendation of Senator Roy Ashburn indicated their interest in moving ahead with the appointment of a steering committee for the Porterville Courthouse project.

The Council at the meeting would specify both the purpose and composition of the Committee.

In terms of purpose, it is suggested that the Council establish a committee whose purpose would be to serve as an advisory “sounding” board for the Council. The Council may wish to establish other specific duties.

The other issue is the membership of the committee. The Council has in the past had each Council member select a committee member. In other instances, membership applications have been requested and then appointments made by the entire Council.

Members of the Economic Development Committee of the Chamber of Commerce have indicated their interest in serving on the steering committee.

RECOMMENDATION:

♦ Define the purpose of the Courthouse Steering Committee

♦ Define the membership of the Courthouse Steering Committee
COUNCIL AGENDA - NOVEMBER 7, 2006

SUBJECT: TRANSACTION AND USE TAX OVERSIGHT COMMITTEE APPOINTMENT

SOURCE: Administration/City Clerk Division

COMMENT: As the Council is aware, on October 25, 2006, an outstanding and long-time member of our community, Carman Martinez-Eoff, passed away. Mrs. Eoff had been appointed on May 2, 2006, to the Transactions and Use Tax Oversight Committee as a four-year member. Pursuant to Resolution No. 24-2006, which sets forth the Committee guidelines, the Council will act to replace a vacancy at the next regularly scheduled City Council meeting. At this time, the next meeting of the Committee is scheduled for November 9, 2006.

Attached are the remaining Requests for Appointment from the initial Committee recruitment in April. At the time of the May 2 appointments, these individuals were told that their applications would remain on file through April 14, 2008, should any vacancies occur. The names of the individuals are:

1. Barbra Black
2. Robert DeMatteis
3. April Tolson
4. Charles Webber

These individuals have been contacted regarding their continued interest.

RECOMMENDATION: That the City Council appoint a member to the Transaction and Use Tax Oversight Committee to fill the unexpired term of Carman Martinez-Eoff.

Attachments: Requests for Appointment

Item No. 30
COUNCIL AGENDA - NOVEMBER 7, 2006

SUBJECT: APPOINTMENT TO AUDIT COMMITTEE

SOURCE: Administrative Services Department

COMMENT: On November 2, 2006, Ordinance No. 1703, Internal City Audits, became effective. The ordinance established an Audit Committee consisting of one City Council member, one member of the public, the City Manager, the City Attorney, and the Chief Financial Officer.

It would be appropriate at this time to appoint a member of the City Council to serve on the Audit Committee. It would also be appropriate at this time to establish the procedure to be used to select the public member of the Committee. If Council chooses, the City Clerk Division will notice the Committee vacancy and accept all Requests for Appointment submitted for consideration.

RECOMMENDATION: That the City Council:
1. Appoint a member of the City Council to the Audit Committee; and
2. Notice and accept Requests for Appointment from the public until November 27, 2006; and
3. Provide a list of applicants to the City Council for selection on December 5, 2006.

Attachments: Ordinance 1703

Item No. 31
ORDINANCE NO. 1703

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER II, ARTICLE IX, INTERNAL CITY AUDITS, OF THE CODE OF THE CITY OF PORTERVILLE

WHEREAS, the City Council has determined that it would be beneficial to create and utilize the services of a City of Porterville internal audit committee to manage the City’s independent auditor, and to review the Annual Audit and the Comprehensive Annual Financial Report (CAFR) prior to the submission of these documents to the City Council; and

WHEREAS, the Audit Committee would also review other financial matters as directed, and would manage special studies when assigned by the city council.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PORTERVILLE, AS FOLLOWS, TO WIT:

SECTION 1. That Porterville Municipal Code, Chapter 2, Article IX, is hereby Amended to read as follows:

ARTICLE IX. INTERNAL CITY AUDITS

Sec. 2-73. Purpose. The city council shall conduct internal audits for the purpose of managing the City’s independent auditor, and reviewing the Annual Audit and the Comprehensive Annual Financial Report (CAFR) prior to the submission of these documents to the City Council.

Sec. 2-74 Audit Committee. An audit committee is hereby established consisting of the one (1) member of the city council and one (1) member of the public, both to be appointed by the city council, the city manager, the city attorney, the chief financial officer and

The Internal City Audit Committee shall manage the work of the independent auditor, reviewing both the Annual Audit and the Comprehensive Annual Financial Report (CAFR) prior to submission to the city council. The audit committee shall also manage special studies when assigned by the city council.

When called upon to do so by the mayor or any other member of the audit committee, the audit committee shall meet to review any other financial matter of the city.

The audit committee may, upon its own motion, establish and adopt bylaws or rules of order to govern the proceedings of the committee.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

ADOPTED, SIGNED AND APPROVED this 3rd day of October, 2006.
SUBJECT: CONSIDER REJECTION OF BID – POOL WATER SLIDE PROJECT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: On October 26, 2006, staff received one (1) bid for the Pool Water Slide Project. The project consists of a deck-mounted water slide to be installed at the northeast corner of the Municipal Swimming Pool.

The project cost estimate was $162,078. The single bidder is Webb & Son, the contractor that constructed the pool and installed the underdeck piping system for the water slide. The bid was found to be acceptable in the amount of $183,289.75, which is 13% greater than the cost estimate. Construction contingency of 10%, and construction management and inspection cost will amount to $25,000 of anticipated expense in addition to the contract bid cost.

Funding for the project was programmed into the current year CIP along with the Murry Park Improvement Project. The funding source for both projects is CDBG funds. There is a total of about $270,000 of unallocated CDBG funds available for these two projects after deduction of authorized professional services and staff expenditures to date.

OPTIONS:
A. City Council policy is to reject all bids when the low bid exceeds the construction estimate by more than 10%. If this option is considered, staff recommends that the Council authorize re-advertisement of the bid process.

B. Sufficient CDBG funding is available between the Murry Park Improvement Project and the Pool Water Slide Project to award the contract and complete the project. The contract could be awarded to the bidder so that installation of the water slide can begin.

RECOMMENDATION: That the City Council consider the bid for the Pool Water Slide Project, and:

1. Award the construction contract to Webb & Son in the amount of $183,289.75, and;

2. Authorize a 10% construction contingency and the payment of up to 90% of the contract amount.
CITY COUNCIL AGENDA: NOVEMBER 7, 2006

SUBJECT: REQUEST FOR A ONE (1) YEAR EXTENSION OF TIME FOR A TEMPORARY USE PERMIT FOR REMOTE CONTROL CAR TRACK

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting a one (1) year extension of time for a temporary use to allow for a remote control car track to continue in use. The site is located on the south side of Henderson Avenue, east of Fourth Street.

HISTORY: The Porterville City Council, on October 5, 2004, by City Council Ordinance 1659 approved a temporary use permit to allow an existing remote control car track to continue in use. Condition 2 of the ordinance reads that the permit shall expire after one year, unless an extension of time is granted by the City Council. Any complaints received with regard to the facility shall be considered at the time of review. There have been no complaints received by the City regarding this use.

The Porterville City Council, on November 1, 2005, approved a one-year extension of time, which became effective on December 15, 2005.

Section 7-3.3 of the City Code empowers the City Council to conditionally approve temporary structures. Section 7-3.3 also provides the City Council the discretion to determine the type and location of the structure, period of time that the structure will be allowed, and other conditions deemed pertinent by the City Council.

RECOMMENDATIONS: That the City Council:

1. Adopt the ordinance approving a one (1) year extension of time commencing 30 days after second reading.

ATTACHMENTS:
1. Letter of request
2. Site plan
3. City Council Ordinance 1659
4. Draft Ordinance

DD APPROPRIATED/FUNDED [Signature]

ITEM NO. 33
From: Tim Beebe  
677 N. Plano St.  
Porterville, CA 93257

To: Honorable City Council

Dear Sirs,

Please consider this correspondence a request to extend the validity of the Conditional Use Permit for the R/C Track located on Henderson Ave, East of Fourth St. I feel the R/C Track has been a beneficial asset to the City of Porterville, and I know of no complaints regarding its operation or use. I respectfully submit this request for your consideration.

X Tim Beebe
ORDINANCE NO. 1659

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ISSUING A PERMIT FOR TEMPORARY USE TO PERMIT THE CONTINUED OPERATION OF A REMOTE CONTROL RACE TRACK AS A HOBBY/RECREATIONAL USE

WHEREAS: Several members of the community have created and established a track for the recreational use and racing of remote control vehicles on an otherwise vacant lot located on the south side of Henderson Avenue, east of Fourth Street; and

WHEREAS: The use of the site is characterized as a hobby style recreational use with no commercial component; and

WHEREAS: The facility is designed and intended to be a temporary use, easily removed when permanent development is proposed; and

WHEREAS: On October 5, 2004, the City Council of the City of Porterville considered the issuance of a permit to allow temporary structures subject to certain conditions; and

NOW, THEREFORE, BE IT ORDNED:

SECTION 1: That the City Council of the City of Porterville does hereby issue a permit for the use of Temporary Structures to apply to the Remote Control Vehicle Race Track located on the south side of Henderson Avenue, east of Fourth Street, subject to the following conditions:

1. The operators shall pay an amount to the City of Porterville to reimburse the City for the actual cost of processing the permit.

2. The Permit shall expire after one year, unless an extension of time is granted by the City Council. Any complaints received with regard to the facility shall be considered at the time of review.

3. Under no circumstances shall any fee be charged related to the use of the site for a Remote Control Track. Prohibited fees include, but are not limited to; Admissions Fees, Use Fees, Concessions, etc.
4. The consumption of alcohol on the subject site shall be prohibited.

5. Operation of the facility shall be limited to the hours of 8:00 A.M. to 9:00 P.M.

6. The volume of sound at the property line shall not exceed 65dB.

7. Portable handicapped accessible sanitary facilities shall be provided whenever ten (10) or more persons are present.

8. The site shall be watered sufficiently to prevent the generation of dust prior to and during use.

9. A fire hydrant shall be installed upon the construction of any permanent building on the subject site.

10. Permits shall be secured as necessary to ensure that any structures on the site comply with applicable building codes.

11. Except as permitted herein, the site shall be developed and operated in full compliance with the standards of the Zoning Ordinance, Municipal Code and other laws and regulations.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage:

SECTION 3: This ordinance continue to be in effect for the period of one year from its effective date, and shall be subject to review and reconsideration annually, thereafter.

ATTEST:

John Longley, City Clerk

Georgia Hawley, Chief Deputy City Clerk

Pedro R. Martinez, Mayor
STATE OF CALIFORNIA  
CITY OF PORTERVILLE   )  (SS)  
COUNTY OF TULARE    

I, JOHN LONGLEY, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1659, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 19th day of October, 2004, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective on the 18th day of November, 2004, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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JOHN LONGLEY, City Clerk

by: Georgia Hawley, Chief Deputy
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ISSUING AN EXTENSION OF A TEMPORARY USE TO PERMIT THE
CONTINUED OPERATION OF A REMOTE CONTROL RACE
TRACK AS A HOBBY/RECREATIONAL USE

WHEREAS: The Porterville City Council, on November 7, 2006, conducted a public
meeting to consider a request for a one (1) year extension of time for a remote control car track to
continue in use. The site is located on the south side of Henderson Avenue, east of Fourth Street.

WHEREAS: The letter of request states they would like an extension for the continued
use of the Remote Control Car Track and that they had not received any complaints caused by the
use of the site.

WHEREAS: On October 19, 2004, the City Council of the City of Porterville by City
Council Ordinance 1659 adopted a temporary use permit to allow an existing remote control car
track to allow temporary structures subject to certain conditions; and

WHEREAS: On November 1, 2005, the City Council of the City of Porterville by City
Council Ordinance 1683 adopted a temporary use permit (1) one-year extension of time
continuing the existing remote control car track to allow temporary structures subject to certain
conditions; and

WHEREAS: Chapter 7, Section 7-3.3 of the City Code empowers the City Council to
approve temporary structures in conjunction with residential, commercial or industrial
development or in times of stress or emergency; and

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1: That the City Council of the City of Porterville does hereby issue a permit
for the use of Temporary Structures to apply to the Remote Control Vehicle Race Track located
on the south side of Henderson Avenue, east of Fourth Street, subject to the following condition:
1. That all conditions outlined in City Council Ordinance 1659, attached hereto as Exhibit “A”, be adhered to.

   SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage:

   SECTION 3: This ordinance continue to be in effect for the period of one year from its extension date, and shall be subject to review and reconsideration annually, thereafter.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________
Georgia Hawley, Chief Deputy City Clerk
ORDINANCE NO. 1659

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ISSUING A PERMIT FOR TEMPORARY USE TO PERMIT THE CONTINUED OPERATION OF A REMOTE CONTROL RACE TRACK AS A HOBBY/RECREATIONAL USE

WHEREAS: Several members of the community have created and established a track for the recreational use and racing of remote control vehicles on an otherwise vacant lot located on the south side of Henderson Avenue, east of Fourth Street; and

WHEREAS: The use of the site is characterized as a hobby style recreational use with no commercial component; and

WHEREAS: The facility is designed and intended to be a temporary use, easily removed when permanent development is proposed; and

WHEREAS: On October 5, 2004, the City Council of the City of Porterville considered the issuance of a permit to allow temporary structures subject to certain conditions; and

NOW, THEREFORE, BE IT ORDAINED:

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1. The operators shall pay an amount to the City of Porterville to reimburse the City for the actual cost of processing the permit.

2. The Permit shall expire after one year, unless an extension of time is granted by the City Council. Any complaints received with regard to the facility shall be considered at the time of review.

3. Under no circumstances shall any fee be charged related to the use of the site for a Remote Control Track. Prohibited fees include, but are not limited to; Admissions Fees, Use Fees, Concessions, etc.

EXHIBIT "A"
4. The consumption of alcohol on the subject site shall be prohibited.

5. Operation of the facility shall be limited to the hours of 8:00 A.M. to 9:00 P.M.

6. The volume of sound at the property line shall not exceed 65dB.

7. Portable handicapped accessible sanitary facilities shall be provided whenever ten (10) or more persons are present.

8. The site shall be watered sufficiently to prevent the generation of dust prior to and during use.

9. A fire hydrant shall be installed upon the construction of any permanent building on the subject site.

10. Permits shall be secured as necessary to ensure that any structures on the site comply with applicable building codes.

11. Except as permitted herein, the site shall be developed and operated in full compliance with the standards of the Zoning Ordinance, Municipal Code and other laws and regulations.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage:

SECTION 3: This ordinance continue to be in effect for the period of one year from its effective date, and shall be subject to review and reconsideration annually, thereafter.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

Georgia Hawley, Chief Deputy City Clerk
STATE OF CALIFORNIA 
CITY OF PORTERVILLE 
COUNTY OF TULARE 

I, JOHN LONGLEY, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1659, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 19th day of October, 2004, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective on the 18th day of November, 2004, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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JOHN LONGLEY, City Clerk

by: Georgia Hawley, Chief Deputy
SUBJECT: ALTERNATIVES FOR POTHOLE PATCHING

SOURCE: Public Works Department - Field Services Division

COMMENT: Council directed that staff explore alternatives to deal with potholes in City streets. Among the alternatives suggested was the purchase of a pothole-patching machine similar to the unit owned by Tulare County. The unit purchased by Tulare County would cost approximately $150,000 not including shipping costs.

Public Works recognizes that potholes have become more prevalent than in years past and is determined to correct this situation. Field Services has been directed to mount a serious and concerted effort to bring this problem under control by implementing one of the following options:

Option 1: Allow Field Services the opportunity to pursue an aggressive maintenance & repair program without the benefit of a “pothole patching” machine.

Pros: Public Works is of the opinion that a full complement of street maintenance personnel coupled with better asphalt material will result in timely responses to pothole repairs.

Cons: Pothole repairs will suffer if there is a dip in personnel or if the quality of material diminishes. If any of these scenarios occur, then once again, the City will have to scramble to stay on top of pothole repairs.

Option 2: Purchase a Model SP-10 Spray Patch Trailer or equivalent. A photo of this equipment is attached for Council’s review.

Pros: The unit is relatively inexpensive (approx. $45,000 to $50,000), easy to operate and can be transported from location to location using equipment already owned by the City. Further, the SP-10 Spray Patch Trailer is the right size for the amount of potholes repaired year in and year out.

Cons: The City does not currently have the funds to make this purchase. However, funding can be obtained from any lending institution such as from Bank of the Sierra or Key Equipment Finance. On a $50,000 loan, Bank of Sierra offers a 72-month, 8.5% loan ($10,800 annual payment) and Key Equipment Finance offers a 5%, 60-month loan ($11,268 annual payment).
Option 3: Purchase the Road-Patcher similar to the unit purchased by Tulare County. A photo of the Road-Patcher is attached for Council's review.

Pros: The unit is self contained, self propelling, extremely efficient, and there is interest from other public agencies to “rent or lease” the unit making it possible to share the cost (approximately $150,000) among many agencies. Further, the manufacturer offers a “Lease/Purchase option so that the initial “out of pocket” expense can be minimal.

Cons: The unit is expensive and even though other agencies have verbally expressed an interest in “renting or leasing”, no formal commitment from anyone has been forthcoming.

Renting or leasing equipment to other agencies has some serious drawbacks and the paper work to implement the agreements can be cumbersome. The most significant concern is the care and maintenance of this expensive equipment when it is not under City of Porterville’s control.

Inexperienced operators, poor training or sloppy maintenance practices can very quickly reduce the efficiency and productivity of the Road-Patcher. If damage should occur, the City of Porterville would probably bear the lion’s share in making the unit whole.

RECOMMENDATION: That City Council:

1) Allow staff to pursue option 1, “Use of Field Services staff to repair potholes using conventional methods, and

2) Direct staff to monitor progress and cost for the remainder of the fiscal year and report back to Council at the end of the monitoring period with staff’s findings.

If Council decides that the City is best served with a mechanical pothole-repairing machine, staff recommends that the Council:

1) Direct staff to secure a $50,000 loan from a lending institution that provides the best terms and rates and;

2) Direct staff to negotiate and purchase the SP-10 Spray Patch Trailer or equivalent equipment at a cost of approximately $50,000.

ATTACHMENTS: SP-10 Spray Patcher
Roadpatcher, similar to Tulare County’s
Road maintenance is unavoidable …
but, with the Roadpatcher from
Schwarze Industries, Inc.
you will be operating in the black.

You can cut road maintenance costs with the technologically advanced Roadpatcher offered by Schwarze Industries, Inc. You can increase worker safety, improve traffic flow, produce a superior asphalt repair — and stay within budget.

The Roadpatcher from Schwarze Industries, Inc. is the most efficient, consistent and versatile velocity fill patch system available. It's also the safest way to perform road patching maintenance because it requires only one operator who works from the driver's position in the cab.

The Roadpatcher always gives you a superior repair — and the most consistent results. The aggregate material is accurately controlled through a positive flow conveyor system, while asphalt emulsion is uniformly applied through a unique spray ring.

With the Roadpatcher's optional auxiliary engine, the operator can easily move the unit while performing a repair. You can increase operator efficiency up to 30% and eliminate the time-consuming set up associated with PIO units. Roadpatcher's patented boom puts the operator in total control for exact placement of patching material for the road surface repair.

http://www.roadpatcher.com/
SP-10 Spray Patcher

Self-contained, carrying its own aggregate and emulsion, the SP-10 can be towed with a one-ton pickup.

REPAIRS:
- Potholes
- Alligator Cracks
- Utility Cuts
- Shoulder Work
- Depressions

Makes a permanent repair that can outlast the road!

- Two-cubic-yard aggregate hopper eliminates need for dump truck.
- Insulated 100-gallon emulsion storage tank.
- Hot water heated mixing nozzle allows year round operation.
- Adjustable boom leveler for safe and easy operation.
- Boom covers more than 135 square feet.
- Durable unibody construction for years of operation.
- Diesel power for long life.
- Maintenance-friendly design includes large access doors and few moving parts.
- Uses locally available materials for patching operation.

http://www.roadpatcher.com/SP10TrailerUnit.html

11/1/2006
SUBJECT: Consideration of Interim Reorganization within Community Development Department

SOURCE: City Manager

With the resignation of the Community Development Director while specific major projects are underway, the City Manager respectfully requests the City Council consider an interim reorganization. The assumption is that the reorganization will be in place during the remainder of this fiscal year.

In due course, the City Manager has acted to hire an interim community development director. This individual will be on board during the week of November 13, 2007. He will provide general management within the department and will be directly involved with assuring the processing of current projects.

To assure that there is continuity between the various development functions within the City, the City Manager recommends that the Public Works Director have on an interim basis, the overall supervision of the community development, engineering, and public works functions.

To address critical planning projects underway, including the General Plan update, the Kit Fox Corridor, the Hillside Ordinance, and potentially the completion of the Habitat Conservation Plan, it is recommended that the City enter into an agreement with the firm of Provost and Prichard to provide basic management and planning assistance with the projects. This firm has retained the services of Brad Dunlap, who is critical to the successful completion of the projects.

A summary of the project analysis is:

Community Development Salary Savings $133,000
Administrative Expense from General Plan Budgetary Allocation $34,000
Community Development Professional Services Budget $4,999

Existing Contract with Provost and Pritchard for
General Plan, Kit Fox, Sign Ordinance & other Assistance - $4,999
Adjustment for Reorganization - $4,600
Retained Salary/Benefits for Senior Planner to be Hired Around February 1, 2007 - $34,378

City Manager Longley
Retained Salary/Benefits for Interim Community Development Director through June 30, 2007 with a maximum of 960 total hours - $55,910

City Manager Priority #1/Professional Assistance
For General Plan Completion at 10 hours Per Week through March, 2007 - $33,000

City Manager Priority #2/Professional Services for
Kit Fox Mitigation for Airport Area development (through Fish & Wildlife) through June, 2007 - $11,000

City Manager Priority #3/Professional Services for
The Final Review and Action on Hillside Ordinance (15 weeks at 5 hours per week) - $13,000

City Manager Priority #4/A portion to Contingency
Or an estimated 88 hours of Professional Services for Habitat Conservation Plan - $15,000

Cash Flow Balance $ 112

The outline of resources and potential expenditures is an estimate of the requirements for the remainder of the fiscal year for the areas outlined. The goal of the program is to maintain continuity in the coordination of projects and programs within the community development area and to accomplish this by re-programming current financial resources allocated to community development projects.

City Manager priorities are defined. If financial resources are insufficient to accomplish the projects outlined, the priorities defined would establish how time under the consulting agreement would be utilized.

RECOMMENDATION: To implement the interim Community Development reorganization, the following actions are requested for the period through June 30, 2007:

♦ The Public Works Director will be provided a 5% salary adjustment for the overall supervision of community development, engineering and public works functions of the City of Porterville.

♦ The City Manager will be authorized to enter into an agreement with the firm of Provost and Prichard in the amount of $72,000 for specific planning assistance as outlined in this staff report (this is in addition to the existing agreement in the amount of $4,999).
SUBJECT: ASSEMBLYMAN MAZE REQUEST FOR LEGISLATIVE REMEDIES NECESSARY FOR THE CITY OF PORTERVILLE

SOURCE: Administration

COMMENT: The City Manager is in receipt of a letter dated October 11, 2006 from the office of Assemblyman Bill Maze. This letter is Assemblyman Maze’s annual request for legislative ideas and recommendations.

The time line to allow for the development of legislation necessitates the delivery of legislative ideas and recommendations by early December of 2006. This item is for information purposes. Ideas generated in the next few weeks can be compiled for discussion at the Council Meeting of December 5, 2006.

RECOMMENDATION: Information Only.

ATTACHMENT: Letter from Assemblyman Bill Maze.
October 11, 2006

John Longley
City Manager
City of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Mr. Longley,

The Legislature has adjourned until December 2006. During the fall interim, I once again turn to the local representatives in Assembly District 34 for their legislative priorities, ideas, and needs.

As a representative for your jurisdiction, I am interested to know if any legislative remedies are necessary. If you require legislation for a particular situation or have a legislative idea that would benefit the cities and counties of Assembly District 34, I am most interested in hearing from you.

Please contact my Capitol Office with your legislative need or idea. Any background information and substantiating statistics or evidence is always tremendously helpful in drafting legislation.

Before I reach my bill limit, I want to be sure that I have met the needs of my district. I respectfully ask that you respond to this query as soon as possible. The fall interim is but a few short months – a work period effectively shortened by the holidays. **In order to maximize our chances of success, I must be in receipt of your requests by early December at the latest.**

While I cannot guarantee that I can introduce every legislation request submitted, I want to assure you that I will give the local jurisdiction I represent top priority.

I look forward to hearing from you. It is an honor to represent you in the California State Assembly.

Sincerely,

BILL MAZE
Assemblyman, 34th District
SUBJECT: AUTHORIZATION TO REFUND LOAN PAYMENT TO OWNER OF HOME IN CASAS BUENA VISTA SUBDIVISION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In the development of the Casas Buena Vista subdivision, several sources of funding were used that necessitated different long term affordability covenant requirements. Some home applicants met the low income eligibility criteria, but did not need mortgage assistance from the City or Agency, usually because they were not first time homebuyers and had sold a residence at another location. In this scenario, it became necessary to have a mechanism to still be able to record the affordability covenants on the property, even though they were not receiving direct financial assistance to purchase the home. The City’s Redevelopment Counsel, Stradling, Yocca, Carlson, and Rauth, developed a loan agreement with a promissory note secured by a second lien deed of trust, not for an amount actually received in cash, but for $10,000 which represented a portion of the financial benefits received by the applicant in the purchase of the property for a price which was less than the fair market value of the property. The loan requires no payment and will be totally forgiven at the end of the twenty year affordability period unless the participant, by certain actions, would trigger the acceleration clause of the loan. One such trigger is the refinancing of any lien or encumbrance to which the Agency’s Deed of Trust is subordinate for a loan amount in excess of the then current loan balance secured by such lien.

In August 2006, the Agency received a request for demand for Jose and Evangelina Ramirez who had executed one of these loan agreements. Because the Ramirez family was refinancing their first mortgage for more money than the original mortgage, the Agency’s forgivable loan was accelerated according to the loan agreement and a demand for $10,000 was sent to the escrow company, and subsequently a check for $10,000 was received by the Agency. In the process, the Ramirez family had to take out a larger loan in order to pay the Agency the funds that were due.

Since this was the first time in dealing with this unusual loan agreement, staff processed the demand as per the loan documents. However, in further investigation and in conferring with Redevelopment Counsel, it would have been to the Agency’s advantage to utilize the section of the agreement that allows the Agency to waive the requirements of the acceleration and defer repayment and/or extend the term of the Note Amount, thus keeping the security in place for the affordability period. Without the value of the loan, it becomes very difficult to insure compliance with the covenants.

DD APPROPRIATED/FUNDED CM ITEM NO. PRA-1
Although the escrow has already closed and the Agency has received the funds, the homeowner is requesting that the Agency refund the $10,000 contingent upon the execution of a new loan agreement with recorded affordability covenants.

RECOMMENDATION: That the Redevelopment Agency authorize the refund of $10,000 to Jose and Evangelina Ramirez contingent upon the execution of a new loan agreement with affordability covenants with the Agency for value received in the Casas Buena Vista subdivision. The term of the loan will be the same as the original loan agreement.

Attachments: 1. Loan Agreement
2. Refund Request from Jose and Evangelina Ramirez
PORTERVILLE REDEVELOPMENT AGENCY  
CASAS BUENA VISTA LOW INCOME HOMEBUYER PROGRAM  
(20 Year Loan)  

LOAN AGREEMENT  

THIS LOAN AGREEMENT (this “Agreement”) is made as of May 26, 2005 by and between Jose M. Ramirez & Evangélina Ramirez (“Participant”) and the PORTERVILLE REDEVELOPMENT AGENCY, a public body corporate and politic (the “Agency”).  

RECITALS  

A. Participant has entered into an agreement (the “Purchase Agreement”) to purchase a newly constructed house in the Casas Buena Vista subdivision located at 191 E. Rio Vista Ave, Porterville, California, and more particularly described in Exhibit “A” which is attached hereto and incorporated herein (the “Property”).  

B. The Property has been constructed pursuant to a Disposition and Development Agreement between the Agency and Perris 40 Corporation (the “Developer”). Under the terms of the Disposition and Development Agreement, the Agency assisted the development of the Property with funds from the Agency’s Low and Moderate Income Housing Fund. The Disposition and Development Agreement requires the Developer to sell the Property to a Lower Income Household at an Affordable Housing Cost. The Disposition and Development Agreement requires the Participant to agree that the Property may only be sold to other Lower Income Households, at an Affordable Housing Cost, for a twenty (20) year period (the “Program”).  

C. Participant is a person or family of Lower Income or Very Low Income, as those terms are defined by California Health and Safety Code Sections 50079.5 and 50105, and currently earns 80% or less of the current annual median income adjusted for family size for the Tulare County area.  

D. Participant has represented to the Agency that Participant and Participant’s immediate family intend to reside in the Property as the family’s principal residence at all times throughout the term of this Agreement.  

E. Pursuant to this Agreement Participant will execute a promissory note in favor of the Agency (the “Promissory Note”) secured by a second lien deed of trust, subject to the terms and conditions set forth herein. A portion of the principal balance of the Promissory Note will be forgiven on each anniversary of the making of the Promissory Note in the event that the Participant and its permitted assignees have complied with all of the terms and conditions of this Agreement during the previous one year period.  

F. For a period (the “Affordability Period”) commencing upon the date on which Participant acquires the Property and terminating on the twentieth anniversary thereof (the “Affordability Period Termination Date”), the Property may only be transferred to Lower Income Households at an Affordable Housing Cost.  

NOW, THEREFORE, for good and valuable consideration, the parties agree as follows:
1. **Agency Loan; Promissory Note.**

1.1 **Agency Loan.** Participant shall execute, as maker, and deliver to Agency a promissory note in favor of Agency, as holder, in the principal amount of Ten Thousand Dollars ($10,000) (the "Agency Loan"). The promissory note shall be substantially in the form of Exhibit B attached hereto and incorporated herein by this reference (the "Promissory Note"). Participant acknowledges that the amount of the Agency Loan (the "Note Amount") will not actually be paid in cash to the Participant, but represents a portion of the financial benefits received by the Participant by its purchase of the Property for a price which is less than the fair market value of the Property.

a. **Interest Rate.** The Note Amount shall accrue no interest unless and until such amount becomes due and payable by the occurrence of an event of acceleration as set forth in Paragraph (c) of this Section 1.2, in which event interest shall accrue at the maximum legal rate.

b. **Time of Payment; Forgiveness of Agency Loan.** No repayment of the Note Amount shall be required unless and until the full amount of the Note Amount becomes due and payable, as provided in subparagraph (c) below. In the event that Participant is in compliance with all of the requirements of this Agreement and the Note Amount has not earlier become due and payable, the Agency shall forgive 1/20th of the original principal amount of the Agency Loan on each anniversary of the date of the Promissory Note. Provided that the Participant is in compliance with all of the requirements of this Agreement and the Note Amount has not earlier become due and payable, any portion of the Note Amount which remains unpaid upon the expiration of the Affordability Period shall be forgiven as of such date.

c. **Acceleration.** The whole of the Note Amount and all other payments due hereunder shall become due and be immediately payable to the Agency by the Participant upon the occurrence of any one of the following events of acceleration:

i. Participant sells or transfers the Property by any means, including, without limitation, the lease, exchange or other disposition of the Property or any interest therein, whether voluntary or involuntary, except (A) a sale of the Property to an Eligible Person or Family at an Affordable Housing Cost pursuant to Section 3 hereof, or (B) the transfer of the Property solely as a result of the marriage, divorce, incompetency or death of one or more individuals constituting the Participant, so long as the transferee(s) give notice to the Agency of such event within thirty (30) days of its occurrence and the transferee(s) assume the Participant’s obligations under this Agreement, by execution of an assignment and assumption agreement to be provided by the Agency, or (C) a sale or transfer which under federal law would not, by itself, permit the Agency to exercise a due on sale or due on encumbrance clause;

ii. Participant refinances any lien or encumbrance to which the Agency Deed of Trust is subordinate (each such lien, a "First Lien") for a loan amount in excess of the then current loan balance secured by such lien or encumbrance and loan closing costs;

iii. Participant fails to occupy the Property as Participant’s principal residence pursuant to Section 5 of this Agreement or is in default of any other obligation under this Agreement.

At the request of Participant, the Agency may, in its sole and absolute discretion, in writing waive the requirements of this paragraph (c) a.d defer repayment an r/l or extend the term of the Note Amount. Notwithstanding the foregoing, Participant may, upon written approval by the
Agency, refinance any First Lien for a loan amount equal to or less than the then current loan balance secured by such First Lien.

d. **Security for Agency Loan.** The obligation of Participant to repay the Agency Loan pursuant to this Agreement, as evidenced by the Promissory Note, shall be secured by a second deed of trust and rider thereto encumbering the Property, substantially in the form of Exhibit “C” and “C-1”, respectively, which are attached hereto and incorporated herein by this reference (collectively, the “Agency Deed of Trust”). The Agency Deed of Trust shall be executed by Participant, as trustor, in favor of Agency, as beneficiary.

e. **Prepayment of Agency Loan.** Participant may prepay the Agency Loan to Agency, provided that any prepayment must be in full and not in part. Prepayment shall be treated in the same manner as refinancing of the Property. The Declaration will continue in full force and effect, notwithstanding such prepayment.

f. **Assumption of Agency Loan and Promissory Note.** The Agency Loan and the Promissory Note may be assumed by a subsequent purchaser of the Property only in accordance with the terms and conditions set forth in Section 3 hereof.

g. **Joint and Several.** The undersigned, if more than one, shall be jointly and severally liable hereunder for the repayment of the Agency Loan.

h. **Participant’s Waivers.** Participant waives any rights to require the Agency to: (i) demand payment of amounts due (known as “presentment”), (ii) give notice that amounts due have not been paid (known as “notice of dishonor”) and (iii) obtain an official certification of nonpayment (known as “protest”).

2. **Notice to Agency.** Participant (or Participant’s heirs following the death of Participant) agrees to notify the Agency not less than thirty (30) days prior to (i) the sale of the Property, (ii) the transfer, including, without limitation, lease, exchange or other disposition of any interest in the Property, (iii) any proposed refinancing of any First Lien or (iv) the close of Participant’s probate estate. Nothing in this Section 2, however, shall be construed to authorize the Property to be leased or rented.

3. **Sale of Property to Eligible Person or Family at Affordable Housing Cost.**

   a. **20 Year Affordability Requirements.** For a period (the “Affordability Period”) commencing upon the date on which Participant acquires the Property and terminating on the twentieth anniversary of that date (the “Affordability Period Termination Date”), the Property may be sold only to a Lower Income Household at an Affordable Housing Cost. These requirements shall be set forth in a Declaration of Conditions, Covenants, and Restrictions, in the form which is attached hereto as Exhibit “D” and incorporated herein by this reference (the “Declaration”). The Declaration executed by the Participant and the Agency and shall be recorded as an encumbrance to the Property.

   b. **Verification of Income.** In order to verify the Buyer’s status as an Eligible Person or Family, Participant shall submit to the Agency the identity of the proposed Buyer and adequate information evidencing the income and household size of the proposed Buyer. Said income information shall be submitted together with the notice of proposed sale in accordance with Section 2 hereof not less than thirty (30) days prior to the proposed sale and shall include original or
true copies of pay stubs, income tax records or other financial documents in order that the Agency may determine and verify the household income of the proposed Buyer to determine whether the proposed Buyer is an Eligible Person or Family and whether the Property is to be transferred to such Buyer at an Affordable Housing Cost. If the Agency is unable to verify the Buyer’s income as provided herein prior to the proposed sale, then the Buyer’s income shall be deemed to exceed the maximum allowable income limit for Eligible Persons and Families.

4. **Maintenance of Property.** Participant shall maintain the improvements, both interior and exterior, and landscaping on the Property (a) in a clean, safe and presentable manner, (b) consistent with community standards, (c) in a manner which will uphold the value of the Property, (d) in accordance with the maintenance requirements of the Declaration, (e) in accordance with the Porterville City Municipal Code and the Uniform Housing Code, and (f) in accordance with any and all covenants and agreements established by any homeowner’s association or other regulatory entity recognized by area property owners. Participant shall not allow the Property to accumulate debris, or allow inoperable or abandoned vehicles on the Property, or allow any other unsightly or dangerous conditions on the Property. The covenants for the maintenance of the Property shall run with the Property and shall remain in effect until the Affordability Period Termination Date. Participant and Agency shall execute and record the Declaration against the Property in the Official Records of Tulare County, California. Participant also agrees to comply with all applicable federal, state and local laws.

5. **Occupancy Standards.** The Property shall be used as the principal personal residence of Participant and Participant’s immediate family and for no other purpose. Participant shall not enter into an agreement for the rental or lease of the Property. Participant may request a temporary waiver of the foregoing requirement in the event of extreme hardship requiring Participant to move to another geographical area or to less expensive housing, including, for example and without limitation, transfer of job location, loss of job, or unexpected major expenses. The Agency may approve or disapprove such request in its sole discretion, and may require as a condition of approval that Participant only rent the Property to Eligible Persons and Families at an Affordable Rent (as defined in Health and Safety Code Section 50053). Participant shall not allow overcrowded conditions to occur in the Property, as defined by the Tulare County Housing Authority, and the maximum occupancy of the Property shall not exceed the maximum occupancy allowed by the Porterville City Municipal Code. Participant shall, upon demand by the Agency, submit to the Agency an affidavit of occupancy verifying Participant’s compliance with this Section 5. Such affidavit may be required by the Agency on an annual basis.

6. **Income Information.** Participant has submitted an application and additional information verifying income eligibility to the Agency prior to execution of this Agreement. Participant represents, warrants, and declares under penalty of perjury to the Agency that all information Participant has provided and will provide in the future to the Agency is and will be true, correct and complete. Participant acknowledges that the Agency is relying upon Participant’s representations as to income, household size, assets and other information to determine whether Participant is an Eligible Person or Family, and Agency would not have entered into this Agreement if Participant did not so qualify. In the event that the Agency discovers that any of such information is materially untrue, the Agency may declare the Agency Loan immediately due and payable.

7. **Housing Cost Information.** The Participant’s anticipated monthly housing costs at the time of this Agreement, and at the time of Participant’s acquisition of the Property, must not exceed Affordable Housing Cost, determined as follows:
a. If Participant is a person or family of Lower Income earning not more than seventy percent (70%) of Tulare County Median Income, “Affordable Housing Cost” shall mean a monthly housing cost which does not exceed thirty percent (30%) times seventy percent (70%) of Tulare County area median income adjusted for family size appropriate to the Property, as set forth in Health and Safety Code Section 50052.5 and regulations of the State of California.

b. If Participant is a person or family of Lower Income earning more than seventy percent (70%) of Tulare County Median Income and not greater than eighty percent (80%) of Tulare County Median Income, “Affordable Housing Cost” shall mean a monthly housing cost which does not exceed the greater of (i) thirty percent (30%) times seventy percent (70%) of Tulare County area median income adjusted for family size appropriate to the Property, or (ii) thirty percent (30%) times Participant’s monthly income, as set forth in Health and Safety Code Section 50052.5 and regulations of the State of California.

c. If Participant is a person or family of Very Low Income earning not more than fifty percent (50%) of Tulare County Median Income, “Affordable Housing Cost” shall mean a monthly housing cost which does not exceed thirty percent (30%) times fifty percent (50%) of Tulare County area median income adjusted for family size appropriate to the Property, as set forth in Health and Safety Code Section 50052.5 and regulations of the State of California.

8. Co-Signers and Co-Mortgagors. The income of co-signers (individuals who sign only the Promissory Note) and co-mortgagors (individuals who sign both the Promissory Note and the grant deed) will be included for determining whether the Participant is an Eligible Person or Family. Co-signers and Co-mortgagors must be part of Participant’s household and must be residing in the Property.

9. Married Sole and Separate Property. An individual taking title in this manner is subject to special requirements because of California Community Property Laws and the Federal Tax Act. If the Participant is legally separated, or has filed for divorce and a legal property disposition agreement exists between the Participant and the Participant’s spouse, a quitclaim deed from the Participant’s spouse and a copy of the property disposition agreement may be required by the Agency. In the absence of an existing legal property disposition agreement between the Participant and the Participant’s spouse, as a condition of approval of the Agency Loan, a quitclaim deed, a special agreement and a release of interest signed by both the Participant and the Participant’s spouse, after consultation with an attorney, may be required by the Agency. Additionally, if the Participant’s spouse is to reside in the household, their combined income must be included in the income test for eligibility under the Program.

10. Loan Servicing. The Agency may contract with an outside organization to originate and service the Agency Loan.

11. Participant Financing. Participant shall obtain first mortgage financing for the purchase price of the Property from a reputable institutional lender reasonably acceptable to the Agency (the “Lender”). The Lender shall execute a participating lender agreement with the Agency which indicates Lender’s agreement to comply with the terms and conditions of the Agency’s loan program. Participant shall at all times during the term of the Agency Loan comply with all requirements of the Lender, including without limitation, loan underwriting standards, minimum down payment requirements, private mortgage insurance requirements, homebuyer education requirements, and tax and insurance impound requirements. In addition, not less than three percent (3%) of the purchase price of the Property shall be paid in cash from Participant’s own resources and
not from the proceeds of a loan secured by a lien on the Property, and gifts and seller concessions may not be used to meet this requirement, except as otherwise permitted by the Lender. The total amount of the first mortgage loan and the Agency Loan shall not exceed the sum of the fair market value of the Property at the time of Participant’s purchase of the Property and non-recurring closing costs.

12. **Subordination.** The Agency has found that an economically feasible method of financing the purchase of the Property on substantially comparable terms and conditions without subordination of the covenants of this Agreement is not reasonably available. Except as provided otherwise herein, the provisions of this Loan Agreement, the Declaration and the Agency Deed of Trust shall be subordinate to any First Lien on the Property held by the Lender and shall not impair the rights of Lender, or Lender’s assignee or successor in interest, to exercise its remedies under the First Lien in the event of default under the First Lien by Participant. Such remedies under the First Lien include the right of foreclosure or acceptance of a deed or assignment in lieu of foreclosure. If title to the Property is transferred by foreclosure or acceptance of a deed in lieu of foreclosure, or assignment of the First Lien to the Secretary of the Department of Housing and Urban Development, this Loan Agreement, the Declaration and the Agency Deed of Trust shall be automatically terminated and shall have no further effect as to the Property or any transferee thereafter. However, in no event shall this Loan Agreement, the Declaration and the Agency Deed of Trust be subordinate to any First Lien on the Property securing a loan with provisions which allow negative amortization, or to refinancing of lien of the First Lien for a loan amount in excess of the sum of the then current loan balance secured by the First Lien and loan closing costs.

Participant agrees it shall instruct the Escrow Agent for the acquisition of the Property by the Participant that the order of recording in the escrow for the purchase of the Property by the Participant shall occur as follows: (1) the Grant Deed, (2) the First Lien; (3) the Declaration; and (4) the Agency Deed of Trust. The Agency shall cause a Request for Notice of Default to be recorded on the Property subsequent to the recording of the First Lien deed of trust or mortgage requesting a statutory notice of default as set forth in the California Civil Code Section 2924b, and shall cause a request for Notice of Delinquency to be recorded on the Property subsequent to the recording of the First Lien deed of trust or mortgage.

13. **Indemnification.** The Participant shall defend, indemnify, and hold harmless the Agency and the City of Porterville and their respective officers, agents, employees, representatives and volunteers from and against any loss, liability, claim or judgment relating in any manner to the Property or this Agreement. The Participant shall remain fully obligated for the payment of property taxes, liens, and assessments related to the Property. There shall be no reduction in taxes for Participant, nor any transfer of responsibility to the Agency to make such payments, by virtue of the Agency Loan.

14. **Insurance.** Participant shall maintain, during the term of the Agency Loan, an all-risk property insurance policy insuring the Property in an amount equal to the full replacement value of the structures on the Property. The policy shall name the Agency as loss payee and shall contain a statement of obligation on behalf of the carrier to notify the Agency of any material change, cancellation or termination of coverage at least thirty (30) days in advance of the effective date of such material change, cancellation or termination. Participant shall transmit a copy of the certificate of insurance and loss payee endorsement to Agency within thirty (30) days of the effective date of this Agreement, and upon request by the Agency, Participant shall transmit to Agency further copies of the certificate of insurance and a loss payee endorsement. The copy of the certificate of insurance and loss payee endorsement shall be transmitted to Agency at the address set forth in Section 26.
hereof. Any certificate of insurance must be in a form, content, and with companies reasonably acceptable to the Agency.

15. Defaults. Failure or delay by either party to perform any term or provision of this Agreement which is not cured within thirty (30) days after receipt of notice from the other party constitutes a default under this Agreement; provided, however, if such default is of the nature requiring more than thirty (30) days to cure, the defaulting party shall avoid default hereunder by commencing to cure within such thirty (30) day period, and thereafter diligently pursuing such cure to completion. The party who so fails or delays must immediately commence to cure, correct, or remedy such failure or delay, and shall complete such cure, correction or remedy with diligence. The injured party shall give written notice of default to the party in default, specifying the default complained of by the injured party. Except as required to protect against further damages, the injured party may not institute proceedings against the party in default until thirty (30) days after giving such notice. Failure or delay in giving such notice shall not constitute a waiver of any default, nor shall it change the time of default.

16. Remedies. The Agency shall be entitled to all legal and equitable remedies available under the law upon the default of the terms of this Agreement by Participant. Such remedies may include, without limitation, (a) specific performance of the terms of the Agreement, (b) disgorgement of any amount of consideration received for the Property which exceeds an Affordable Housing Cost, and (c) an order to pay attorneys’ fees, as set forth in Section 27 herein.

17. Non-Waiver. Failure to exercise any right the Agency may have or be entitled to, in the event of default hereunder, shall not constitute a waiver of such right or any other right in the event of a subsequent default.

18. Documents. Participant is aware that the Agency has prepared certain documents to implement the Program and secure repayment of the Agency Loan. Participant has reviewed and agrees to execute the following documents in substantially the form as attached hereto prior to receiving the Agency Loan, and any other documents reasonably required by the Agency or a participating entity to complete the transaction contemplated herein:

a. Promissory Note (Exhibit "B");

b. Agency Deed of Trust (Exhibit "C");

c. Declaration of Conditions, Covenants and Restrictions (Exhibit "D");

d. Disclosure Statement (Exhibit "E").

Participant agrees and acknowledges that the Agency Deed of Trust and the Declaration shall be recorded against the Property with the County Recorder of the County of Tulare and shall appear of record with respect to and as encumbrances to the Property. Participant agrees that this Agreement may also be recorded.

19. Further Assurances. The Participant shall execute any further documents consistent with the terms of this Agreement, including documents in recordable form, as the Agency shall from time to time find necessary or appropriate to effectuate its purposes in entering into this Agreement and making the Agency Loan.

20. Governing Law. The Participant hereby agrees to comply with all ordinances, rules, and regulations of the Agency and the City of Porterville (the "City"). Nothing in this Agreement is intended to be, nor shall it be deemed to be, a waiver of any City ordinance, rule, or regulation. This
Agreement shall be governed by the laws of the State of California. Any legal action brought under this Agreement must be instituted in the Superior Court of the County of Tulare, State of California, in an appropriate municipal court in that county, or in the Federal District Court in which the City is located.

21. **Amendment of Agreement.** No modification, rescission, waiver, release or amendment of any provision of this Agreement shall be made except by a written agreement executed by the Participant and Agency.

22. **Agency May Assign.** Agency may, at its option, assign or pledge its right to receive repayment of the Agency Loan proceeds without obtaining the consent of the Participant.

23. **Participant Assignment Prohibited.** In no event shall Participant assign or transfer any portion of this Agreement without the prior express written consent of the Agency, pursuant to the procedures set forth in Section 3 hereof.

24. **Relationship of Participant and Agency.** The relationship of Participant and Agency pursuant to this Agreement is that of debtor and creditor and shall not be, or be construed to be a joint venture, equity venture, partnership, or other relationship.

25. **Monitoring.** To the extent permitted by law, the Agency and its designated employees and agents shall have the right to enter the Property at all reasonable times without a warrant for the purpose of monitoring the Participant’s compliance with this Loan Agreement. Any such entry shall be made only after reasonable notice to the Participant, which shall mean at least forty-eight (48) hours in all non-emergency situations. Upon receipt of such notice, the Participant agrees to consent to entry by the Agency and to cooperate in making the Property available for inspection by the Agency. The Participant acknowledges and agrees that if for any reason the Participant fails to consent to such entry or inspection, the Agency may obtain an administrative inspection warrant or take such other legal actions as may be necessary to gain access to and inspect the Property. The Agency shall indemnify and hold harmless the Participant from any costs, claims, damages or liabilities pertaining to any such entry.

26. **Notices.** Any notices, requests or approvals given under this Agreement from one party to another may be personally delivered or deposited with the United States Postal Service for mailing, postage prepaid, registered or certified mail, return receipt requested to the following address:

   **To Participant:**
   Jose M. Ramirez
   Evangelina Ramirez
   191 E. Rio Vista Ave

   **To Agency:**
   Porterville Redevelopment Agency
   291 N. Main Street
   Porterville, California 93257

   Either party may change its address for notice by giving written notice thereof to the other party.

27. **Attorneys’ Fees and Costs.** Should either of the parties to this Agreement incur
attorneys' fees in seeking the enforcement of this Agreement, whether or not a final court judgment is entered, the prevailing party shall be entitled to reimbursement of its reasonable attorneys' fees and litigation costs, including without limitation expert witness fees, by the other party.

28. **Entire Agreement.** This Agreement, together with all attachments hereto, constitutes the entire understanding and agreement of the parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental thereto, and supersedes all prior negotiations, discussions and previous agreements between the Agency and the Participant concerning all or any part of the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth in the first paragraph of this Agreement.

**PARTICIPANT**

By: [Signature]
Printed Name: Jose M. Ramirez

By: [Signature]
Printed Name: Evangelina Ramirez

**PORTERVILLE REDEVELOPMENT AGENCY**

By: [Signature]

9
ATTACHMENT NO. 1 TO EXHIBIT “C”

LEGAL DESCRIPTION OF LAND

The land referred to is situated in the State of California, County of Tulare and is described as follows:

Lot 53 of Casas Del Rio, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 31, Page 76 of maps, Tulare County Records.
EXHIBIT “E”

PROGRAM DISCLOSURE STATEMENT

I/we Jose M. Ramirez & Evangelina Ramirez (Participant) understand and agree that the provision of financial assistance from the Porterville Redevelopment Agency (the “Agency”) under the Agency’s Casas Buena Vista Low Income Homebuyer Program (the “Program”) is conditional on a number of factors, including, but not limited to:

- I/we must find a newly constructed house in the Casas Buena Vista subdivision within the City of Porterville. The house must be available to me/us at affordable housing cost.

- I/we must qualify for a home loan from an institutional lender acceptable to the Agency.

- I/we must pay at least three percent (3%) of the home purchase price from my/our own funds, except as otherwise permitted by the Lender.

- I/we must qualify for assistance under the guidelines of the Program.

I/We further understand and agree that:

- I/we will be responsible for repaying the amount of the Note. The Note will not bear any interest, until such time as the Note becomes due and payable. The Note will be due and payable upon sale or transfer of the Property or if I/we no longer occupy the Property as my/our principal residence or are in default of any obligation under the Loan Agreement which is a part of the Program. If I/we comply with all of the requirements of the Loan Agreement, the amount that I/we owe to the Agency under the Note will be forgiven.

- I/we may prevent the Note from becoming due and payable by retaining the Property, or by selling or otherwise conveying the Property to persons of lower income at an “Affordable Housing Cost.” This may restrict the persons to whom we may sell the Property, and may result in a sales price which is less than the fair market value of the Property.

- For a twenty year period, the Property may only be transferred to Lower Income Households at an Affordable Housing Cost.

- I/we have a right to cancel or rescind this loan at any time prior to midnight on the third business day after the Loan Agreement is signed by sending a notice of my/our decision to rescind or cancel the Agency Loan to:

  Porterville Redevelopment Agency
  291 N. Min Street
  Porterville, CA 93257

Exhibit E-1
• During the term of the Agency Loan, I/we intend to continuously occupy the Property and I/we shall not rent or lease the Property.

• The Agency shall not be held responsible for any costs associated with the home I/we purchase with such assistance including, but not limited to, any loan fees or charges, any charges for appraisals, or any escrow costs or other costs relating to the transfer of the Property.

• The Agency cannot ensure that information provided by or on my/our behalf will be kept confidential.

• The Agency shall not be responsible for the selection of a home, the selection of a lender providing funds assisting in the purchase of the home, providing information concerning other public or private sources of loans, or the competitiveness of the terms of the Program. I/we assume all responsibility for determining whether I/we will inform myself/ourselves as to the availability and terms of other public or private loans.

• The Agency shall not be charged with the knowledge of the contents of the documents of my/our primary lender.

• The Agency financial assistance I/we receive under this Program may be considered to be income for purposes of federal or state income taxes and the Agency shall not be held responsible for the payment of any taxes which I/we may incur by virtue of the receipt of such financial assistance.

• Our monthly housing costs may not exceed $N/A per month in order to obtain assistance from the Agency.

PARTICIPANT

By: Jose Ramirez
Printed Name: Jose M. Ramirez

By: Evangelina Ramirez
Printed Name: Evangelina Ramirez

Exhibit E-2
DEED OF TRUST WITH ASSIGNMENT OF RENTS
(SHORT FORM)

This DEED OF TRUST WITH ASSIGNMENT OF RENTS (this "Deed of Trust"), is made as of May 26, 2005, by Porterville Redevelopment Agency ("Trustor"), whose address is 291 N. Main St., Porterville, Ca to Jose M. Ramirez & Evangelina Ramirez (and in such capacity herein called the "Trustees"), for the benefit of the PORTERVILLE REDEVELOPMENT AGENCY, a public body, corporate and politic (and in such capacity herein called the "Beneficiary"), having an office located at 291 N. Main Street, Porterville, California 93257.

WITNESSETH: that Trustor grants to Trustees in Trust, with Power of Sale, that property in the City of Porterville. County of Tulare, State of California, described as:

Lot 53 of Casas Del Rio, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 31, Page 76 of maps, Tulare County Records.

Which has the address of: 191 E. Rio Vista Ave, Porterville, CA 93257

Together with the rents, issues and profits thereof, subject, however, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the purpose of securing (1) payment of indebtedness in the principal amount of $10,000, according to the terms of a Promissory Note of even date herewith made by Trustor, payable to order of Beneficiary, and extensions or renewals thereof, and (2) the performance of each agreement of Trustor incorporated by reference or contained herein, and (3) payment of additional sums and interest thereon which may hereafter be loaned to Trustor, or his successors or assigns, when evidenced by a promissory note or notes reciting that they are secured by this Deed of Trust.

* AKA Jose Manuel Ramirez

DOC5093194v1/22543-0004

Page 3 of 5
To protect the security of this Deed of Trust, and with respect to the property above described, Trustor expressly makes each and all of the agreements, and adopts and agrees to perform and be bound by each and all of the terms and provisions set forth in subdivision A, and it is mutually agreed that each and all of the terms and provisions set forth in subdivision B of the fictitious deed of trust recorded in Orange County August 17, 1964, in all other counties August 18, 1964, in the book and at the page of Official Records in the office of the county recorder of the county where said property is located, noted below opposite the name of such county, namely:

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shall inure to and bind the parties hereto, with respect to the property above described. Said agreements, terms and provisions contained in said subdivision A and B, (identical in all counties), are by the within references thereto, incorporated herein and made a part of this Deed of Trust for all purposes as fully as if set forth at length herein, and Beneficiary may charge for a statement regarding the obligation secured hereby, provided the charge therefor does not exceed the maximum allowed by law.

The undersigned Trustor, requests that a copy of any notice of default and any notice of sale hereunder be mailed to him at his address hereinbefore set forth.
IN WITNESS WHEREOF, Borrower has executed this Deed of Trust.

Jose Manuel Ramirez  
Borrower

Evelyn Ramirez  
Borrower

STATE OF CALIFORNIA

COUNTY OF TULARE

On June 2, 2005 before me, Notary Public, personally appeared Jose M. Ramirez & Evangelia Ramirez (Husband & Wife) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to within the instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signature on the instrument the person(s), or the entity upon behalf of which they acted, executed the instrument.

WITNESS my hand and official seal.

Notary Signature

Deborah Hooper

Notary Public

TULARE COUNTY

October 30, 2006

To the Redevelopment Agency:

We would like to respectfully request that the $10,000 that was paid to the Agency when we refinanced our home at 191 E. Rio Vista Avenue be refunded to us. We were not aware that we could request a waiver or defer payment when the escrow closed on the refinancing. In exchange for the repayment of funds, we will execute a new loan agreement with long term affordability covenants.

Thank you for this consideration.

Sincerely,

Jose M. Ramirez
Evangelina Ramirez