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<sup>1</sup>For state law as to authority of city to prescribe the requirements for maintenance of streets, see Sts. & H. C., Sec. 1921. As to authority of city relative to construction, etc., of streets, sidewalks, etc., see Gov. C., Sec. 40401.

As to director of public works, see Secs. 2-37 to 2-39 of this Code. As to signs near street and railroad intersections, see Secs. 8-6, 8-7. As to special gas tax street improvement fund, see Secs. 18-20 to 18-22. As to traffic regulations generally, see Ch. 29. As to loitering on or obstructing streets and sidewalks, see Sec. 30-21. As to regulations governing vending, peddling, etc., on public streets or sidewalks, see Sec. 36-2. As to parking of sound and advertising vehicles on public highways, see Sec. 37-5. As to thoroughfares in subdivisions, see Sec. 39-34. As to alleys in subdivisions, see Sec. 39-37.

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## Article I. In General.

### Sec. 38-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Building or structure. In addition to the meanings ordinarily ascribed thereto, includes any machine, implement, device, tree, derrick, stage or other setting, lumber, sash or door, structural steel, pipe bend, dynamo, transformer, generator, punch, agitator, object or thing having a width of more than eight feet, other than any implement of husbandry or any special mobile equipment, as defined in the state Vehicle Code having a width of ten feet or less.

The term also includes a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum permitted by the state Vehicle Code.

Commissioner. The road commissioner of the county or the director of public works of the city or his duly authorized representative.

Director. The director of the department of parks and recreation of the county.

Highway. Any public highway, public street, public way or public place in the city, either owned by the city or dedicated to the public for the purpose of travel.

Moving contractor. Any person who for himself or for another moves or causes to be moved any building or structure over, upon, along or across any highway.

Total number of tire inches. That number calculated by adding the respective tire sizes as specified by the manufacturer of all tires resting upon the surface of the highway.

Width. That dimension measured at right angles to the anterior-posterior axis of the conveyance upon which the building or structure or portion thereof is, or is to be, loaded or moved, or to the median line of the highway over which the same is being, or is to be moved.

(Mun. Code, Secs. 8002 to 8007, 8018; Ord. No. 418)

### Sec. 38-2. Fence gates.

- (a) It shall be unlawful to construct or maintain any gate in any fence in such manner that such gate may be opened outward over any portion of any public highway open for either pedestrian or vehicular traffic.
- (b) It shall be unlawful to cause or permit any gate in any fence to be or remain opened outward over any portion of any public highway open for either pedestrian or vehicular traffic.

(Mun. Code, Secs. 6130, 6131)

Sec. 38-3. Obstructing streets and sidewalks with merchandise, baggage, etc.

A person shall not leave or permit to remain on any public sidewalk or highway any merchandise, baggage or any article of personal property.

This section does not apply to any temporary rack or stand used for the purpose of displaying newspapers for sale while such rack or stand is so used if such stand or rack does not occupy any portion of the highway set aside for vehicular use and such stand or rack does not cover an area exceeding ten square feet.

(Mun. Code, Sec. 6032)

Article II. Highway Permits.

Sec. 38-4. Required.

Every person is guilty of a misdemeanor who, before obtaining a permit from the county road commissioner to do so:

- (a) Moves or causes to be moved along any highway any building or structure.
- (b) Makes or causes to be made any excavation, fill or obstruction of, or lays, constructs or repairs any curb, sidewalk, gutter, driveway, roadway surface, retaining wall, storm drain or culvert or other work of any nature in, over, along, across or through any highway.
- (c) Constructs, reconstructs or repairs any highway light, or highway lighting system in any highway or in any privately owned thoroughfare which is open to public travel. This subsection does not apply if such installation is made by the state, any county, city and county, municipality, district or other political subdivision.
- (d) Constructs, reconstructs, repairs, or maintains any canopy.

(Mun. Code, Sec. 8009)

Sec. 38-5. Application generally.

Application for a highway permit shall be made in writing to the road commissioner.

(Mun. Code, Sec. 8011)

Sec. 38-6. Discretion of road commissioner as to contents of application.

The county road commissioner may provide in any application for a permit to be issued under this article any requirements which he finds will substantially aid in the protection of the highway or of the traveling public, or of both.

(Mun. Code, Sec. 8020)

Sec. 38-7. Deposits and issuance fees generally.

All persons except the United States, this state, any county, any municipal corporation and other public district or public body shall make whatever deposit is required by this Code, and in addition thereto, pay an issuance fee in the amount determined by the city to be sufficient to recover the cost of issuance.

(Mun. Code, Sec. 8012)

Sec. 38-8. Waiver of prepayment of issuance fees.

At the request of a permittee who maintains with the county road commissioner a general deposit as provided in articles III and IV of this chapter and to whom an average of more than seventy-five permits has been issued monthly, such average to be based on the previous fiscal year's experience, or in the absence of such experience, to be based on the three most current calendar months. experience, the commissioner may waive the requirement covering prepayment of the issuance fees and bill the permittee for issuance fees covering permits issued subsequent to such request. The commissioner may revoke such waiver at any time.

(Mun. Code, Sec. 8013)

Sec. 38-9. Waiver of issuance fees for public works.

The county road commissioner may grant a permit without issuance fee if he finds that the work to be done has been requested by the city in connection with proposed public works.

(Mun. Code, Sec. 8014)

Sec. 38-10. Purpose of issuance fees; fees nonrefundable.

The issuance fees required by the provisions of this article are for the purpose of defraying the cost of issuing the requested permit. No part of any issuance fee may be refunded to any applicant.

(Mun. Code, Sec. 8015)

Sec. 38-11. Disposition of fees, etc.

Issuance fees and charges for repairs, inspection or engineering collected under the provisions of this article shall be deposited in the respective funds from which the corresponding disbursements were made.

(Mun. Code, Sec. 8017)

Sec. 38-12. Applicant to save city harmless from liability for damages, etc.

On each application the applicant shall sign a statement that he agrees to preserve and save harmless the city and each officer and employee thereof from any liability or responsibility for an accident loss, or damage to persons or property happening or occurring as a proximate result of any work undertaken under any permit granted pursuant to the application.

(Mun. Code, Sec. 8016)

Sec. 38-13. Calculation of costs.

Whenever in the provisions of this article, any costs are to be charged to any permittee, and no other method for the calculation of such costs is specified, such costs are the actual costs including the proportionate part of the salaries, wages or other compensation of any deputy or employee, plus cost of overhead not to exceed fifteen percent of the total.

(Mun. Code, Sec. 8008)

Sec. 38-14. Obstructing or prohibiting inspections prohibited.

No person shall prevent or obstruct the county road commissioner, or his duly authorized representative, in making any inspection authorized by this article or in taking any sample or in making any test.

(Mun. Code, Sec. 8019)

Sec. 38-15. Authority of county road commissioner generally.

The county road commissioner may establish special provisions and special specifications or special requirement or both for the work to be done under the permit, including equipment to be used, type of backfill, paving, traffic regulating signs or devices, hours of work, flagmen, lights, inspection and other similar requirements. He also may require whatever advance notice he deems proper for requests for inspection. The road commissioner may add these requirements and conditions by rubber stamp or attachments to the permit, or both, and they shall be an integral part thereof. If any of the requirements of the permit are violated, the commissioner may revoke the permit and require that a new permit be secured before further work is done. If paving, barricades, lights or other stipulated devices are not properly placed or maintained, the commissioner through force account or otherwise may cause such to be placed or erected and properly maintained; and any and all costs due to this action shall be paid by the permittee. The commissioner may elect not to issue further permits and may hold any deposits, guarantees or bonds of the permittee as long as any bill for service ordered by the commissioner remain unpaid.

(Mun. Code, Sec. 8021)

Article III. Moving of Buildings.<sup>2</sup>Division 1. Generally.Sec. 38-16. Applicability of division.

The provisions of this division apply only to the moving of buildings and structures.

(Mun. Code, Sec. 8102)

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<sup>2</sup>As to buildings generally, see Ch. 10 of this Code.

Sec. 38-17. Classification of buildings.

All buildings and structures are hereby classified as follows:

- (a) Class A is any building or structure or any portion thereof which is moved on a motor truck or other vehicle propelled by its own power.
- (b) Class B is any building or structure or any portion thereof, not of Class A which is not more than sixteen feet in width.
- (c) Class C is any building or structure or any portion thereof, not of Class A which is more than sixteen feet and not more than twenty-two feet in width.
- (d) Class D is any building or structure or any portion thereof, not of Class A which is more than twenty-two feet and not more than twenty-eight feet in width.
- (e) Class E is any building or structure or any portion thereof, not of Class A which is more than twenty-eight feet and not more than forty feet in width.
- (f) Class F is any building or structure or any portion thereof, not of Class A which is more than forty feet in width.

(Mun. Code, Sec. 8108)

Sec. 38-18. Weight restrictions.

The county road commissioner shall not issue a permit to move any building or structure when the weight of such building or structure, plus the weight of the vehicle or other equipment, exceed the weight permitted by the state Vehicle Code; except, that if it appears to the commissioner that the size, shape or physical characteristics of the building or structure or portion thereof, to be moved, or of the highway over which such building or structure is to be moved, makes it impossible or impracticable to keep within such weight limits, the commissioner may issue a permit:

- (a) To move a building or structure on a vehicle every wheel of which is equipped with rubber tires where the total weight of both building or structure and vehicle does not exceed sixty thousand pounds.
- (b) To move a building or structure on a vehicle every wheel of which is equipped with pneumatic tires.

(Mun. Code, Sec. 8114)

Sec. 38-19. Supervision by inspector.

The county road commissioner may require that the moving of any building or structure be under the supervision of an inspector to be appointed by the commissioner.

The permittee shall pay to the commissioner an amount equal to the compensation and cost of transportation of such inspector during the time he is assigned to such inspection.

(Mun. Code, Sec. 8120)

Sec. 38-20. Right of entry for purpose of inspection.

City officials, the surety and the duly authorized representative of either shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.

(Mun. Code, Sec. 10662)

Sec. 38-21. Use of runways.

When so required by the county road commissioner, a moving contractor shall place under each dolly or wheel used in moving the building or structure, boards or planks of adequate width and strength to carry the load without being broken, to serve as a runway for such dolly or wheel during such moving along any portion of any highway which has a surface other than natural soil. The moving contractor shall prevent such dolly or wheel from ever revolving on or resting on such surface except upon such board, plank or runway.

(Mun. Code, Sec. 8121)

Sec. 38-22. Restoration of damages.

The county road commissioner may restore, or cause to be restored, every highway damaged by the moving of any building or structure thereon, to a condition equivalent to that prior to such damage. The moving contractor who caused such damage shall pay the cost of the repair thereof to the commissioner.

(Mun. Code, Sec. 8122)

Sec. 38-23. Warning lights required.

When a building or structure being moved is located on any highway, at all times between sunset and sunrise the moving contractor shall keep burning a red warning light not over six feet above the surface of such highway at each corner of such building or structure, and unless the county road commissioner otherwise directs, on all sides and projections thereof at intervals of not more than five feet.

(Mun. Code, Sec. 8123)

Sec. 38-24. Designation of routes where trees would not be endangered.

The director of the county department of parks and recreation shall furnish to the county road commissioner a list of all highways and parts of highways upon which no trees could be endangered by the moving of buildings or structures over such highways. The director shall from time to time furnish to the commissioner amendments to such list or amended lists.

(Mun. Code, Sec. 8101)

Sec. 38-25. Information as to tree trimming to be furnished by director of county department of parks and recreation.

Within ten days after receipt of a duplicate application for a moving permit the director of the county department of parks and recreation shall inform the county road commissioner whether or not:

- (a) The moving of any building or structure as proposed in, and over the route specified in the application can be done without any excessive or damaging tree trimming, and he may suggest that either a different route be required or that the building or structure be moved in smaller sections, or both.
- (b) The director elects to do any part or all of any tree trimming rendered necessary by the moving of the building or structure.
- (c) The director has issued or will issue to a qualified applicant a permit pursuant to the provisions of Ordinance No. 584 of Los Angeles County to do the necessary tree trimming.

(Mun. Code, Sec. 8105)

Sec. 38-26. Trimming of trees by permittee prohibited.

A permit granted under this division does not permit, license or allow any person whatever except the director of the county department of parks and recreation to trim, prune, cut or deface in any manner any tree upon any grounds or property belonging to the county or upon any road, street or highway.

(Mun. Code, Sec. 8124)

Sec. 38-27. Estimate of cost of tree trimming.

If the director of the county department of parks and recreation elects to do any part or all of the necessary tree trimming he shall inform the county road commissioner in writing of the total estimated cost of such trimming by the director of trees growing upon any grounds or property belonging to the county or upon any highway, as is necessary:

- (a) At the time the structure is moved to facilitate the moving thereof.
- (b) Subsequent to the moving of the structure to correct previous trimming done when the structure was moved.

(Mun. Code, Sec. 8106)

Sec. 38-28. Trimming of trees by director of county department of parks and recreation.

At the request of a moving contractor holding an unrevoked permit granted pursuant to the provisions of this division, the director of the county department of parks and recreation within a reasonable time after such request, if before the granting of the permit, pursuant to section 38-25 he elected to do so, shall trim such trees under his supervision as it is necessary to trim, and where it will not harm the trees, to the extent required to move the structure to the location specified in the permit.

(Mun. Code, Sec. 8125)

Division 2. Relocation Permit.Subdivision I. Generally.Sec. 38-29. Required.

No person shall move or cause to be moved any building or other structure on or upon any public street or onto any premises within the city unless he first obtains a relocation permit from the city planning commission.

(Mun. Code, Sec. 10600; Ord. No. 247)

Sec. 38-30. Portable and temporary school classrooms.

Notwithstanding any of the other provisions of this article, the planning commission may grant ex parte and without prior notice, permission to any school district to move portable or temporary classrooms in or out of the city, or within the city from one school site to another. Any such applicant school district shall be required to comply with all other provisions of this chapter.

(Ord. No. 247)

Sec. 38-31. Application.

Every application for a relocation permit shall be in writing upon a form furnished by the city, and shall set forth such information as the city, its agents and employees, may reasonably require in order to carry out the intents and purposes of this article.

(Mun. Code, Sec. 10601; Ord. No. 247)

Sec. 38-32. Fee.

The applicant for a relocation permit shall pay a fee of two hundred and fifty dollars to the city upon the filing of his application, which fee shall be in addition to any other fee required by this chapter or by any other provision of law. No part of the application fee shall be returned to the applicant.

(Mun. Code, Sec. 10602; Ord. No. 247)

Sec. 38-33. Plans, investigations, etc.

In order to advise the planning commission on any of the matters presented in the application, the city, its agents and employees, may require plans, photographs or other substantiating data to be provided by the applicant, and may cause to be made any investigation which appears to be necessary or desirable in connection therewith.

(Mun. Code, Sec. 10603; Ord. No. 247)

Sec. 38-34. Hearing by planning commission.

Upon completion of the processing of each application and all investigations, if any, in connection therewith, the applications shall be referred to the planning commission for decision. The hearing on each such application shall be open to the public and upon five days written notice to the applicant of the time and place thereof.

(Mun. Code, Sec. 10604; Ord. No. 247)

Sec. 38-35. Announcement of findings and decision.

Not more than thirty days following the termination of the proceedings of the public hearing on a relocation permit, the planning commission shall announce its findings by formal resolution. Such resolution shall recite, among other things, the facts and reasons which, in the opinion of the planning commission, make the granting or denial of the relocation permit necessary to carry out the provisions and general purpose of this article and shall order that the relocation permit be granted or denied, and if such resolution orders that the relocation permit be granted, it shall also recite such conditions and limitations as the commission may impose.

(Mun. Code, Sec. 10605; Ord. No. 247)

Sec. 38-36. Resolutions as permanent record.

The formal resolution of the planning commission announcing its findings and order after hearing on an application for a relocation permit, shall be numbered consecutively in the order of their filing and shall become a permanent record in the files of the planning commission.

(Ord. No. 247)

Sec. 38-37. Notice of decision.

Not later than fourteen days following the rendering of a decision ordering that a relocation permit be granted or denied, a copy of the resolution shall be mailed to the applicant at the address shown on the application filed with the planning commission.

(Ord. No. 247)

Sec. 38-38. Terms and conditions.

In granting any relocation permit the planning commission may impose thereon such terms and conditions as it may deem reasonable and proper, including, but not limited to, the requirements of changes, alterations and additions, or repairs to be made to or upon such building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to the public safety or welfare or to the real property or improvements within a radius of one thousand feet from the proposed relocation site.

(Ord. No. 247)

Sec. 38-39. Appeals from decision of planning commission.

Within ten days after the receipt by the applicant for a relocation permit of notice of action by the planning commission, such applicant may, if dissatisfied with or aggrieved by the action of the planning commission, file with the city clerk an appeal in writing to the city council from such action of the planning commission upon depositing a filing fee in the amount of one-half of that required on filing the original application. The filing of such appeal within the stated time limit shall stay the effective date of the decision of the planning commission until such time as the city council has acted on the appeal as set forth herein. In the absence of such appeal, the action of the planning commission shall be final.

(Ord. No. 247)

Sec. 38-40. City council to hold public hearing.

Upon receipt of an appeal to the city council, the city clerk shall advise the secretary of the planning commission and the secretary shall transmit to the city clerk the planning commission's complete record of the case. Within not to exceed sixty days following receipt of the written appeal, the city council shall conduct a public hearing.

(Ord. No. 247)

Sec. 38-41. Notice of public hearing.

Public notices of public hearings shall be given as provided in section 26-15 of chapter 26.

(Ord. No. 247)

Sec. 38-42. Adverse decision by council may be referred to planning commission.

If the city council proposes an action that is anyway contrary to the action taken by the planning commission, it may refer its findings to the planning commission and request a further report of the planning commission on the matter. Failure of the planning commission to report to the city council within forty days after reference, may be deemed to be approval by the planning commission of any proposed change.

(Ord. No. 247)

Sec. 38-43. Council to announce findings and decision by resolution.

The city council shall announce its findings and decision by formal resolution not more than twenty days following the termination proceedings of the hearings, or not more than twenty days following the receipt of a report from the planning commission when a matter has been referred back to the planning commission. The resolution shall recite, among other things, the facts and reasons which, in the opinion of the city council, makes the granting or denial of the appeal necessary to carry out the general purpose of this article, and shall order that the relocation permit be granted or denied or modified subject to such conditions or limitations which it may impose.

(Ord. No. 247)

VERSION 10/2016

Sec. 38-44

Sec. 38-46

Sec. 38-44. Decision of city council to be final.

The action by the city council on an appeal from the planning commission shall be by a majority vote of the city council and shall be final and conclusive.

(Ord. No. 247)

Sec. 38-45. Notice of decision of city council.

Not later than seven days following the adoption of the resolution ordering that a relocation permit be granted or denied, a copy of the resolution shall be mailed to the applicant and to any other parties requesting notice of the action and one copy shall be attached to the planning commission's file of the case and the file returned to the planning commission for permanent filing.

(Ord. No. 247)

Subdivision II. Bond or Deposit.

Sec. 38-46. Required.

A relocation permit shall not be issued unless the permittee, or his authorized agent, shall first post with the city, or its authorized agent, a bond executed by the permittee as principal, and by a surety company authorized to do business in this state as surety, or makes a deposit as provided in this division.

(Mun. Code, Sec. 10650)

Sec. 38-47. Waiver.

Neither a bond nor a deposit need be posted nor made in any case where the city building official finds that the only relocation involved is that of moving a building temporarily to the regularly occupied business premises of a house mover or that of moving a building to an adjacent property of the same owner, and that no such security is necessary in order to assure compliance with the requirements of this article.

The city building official may waive the requirement of a bond or deposit when the owner of the property is a governmental agency. A permit, bond or cash deposit is not required where the only relocation involved is that of moving a building temporarily to the regularly occupied business premises of a house mover.

(Mun. Code, Sec. 10653)

Sec. 38-48. Form of surety bond.

The surety bond required by this division shall:

- (a) Be in form joint and several.
- (b) Name the city as obligee.
- (c) Be in an amount equal to the estimated cost plus ten percent of the work required to be done in order to comply with all of the conditions of the relocation permit, such estimate to be as estimated by the city building official.

(Mun. Code, Sec. 10651)

Sec. 38-49. Amount of deposit.

The deposit, if made in place of a surety bond, shall be equal to the cost plus ten percent of such work.

(Mun. Code, Sec. 10652)

Sec. 38-50. Conditions.

Every bond posted and every deposit made pursuant to this division shall be conditioned as follows:

- (a) That each and all of the terms and conditions of the relocation permit shall be complied with to the satisfaction of the building official.
- (b) That all of the work required to be done pursuant to the conditions of the relocation permit shall be fully performed and completed within the time limit specified in the relocation time limit. If no time limit is specified, the work shall be completed within ninety days after the date of the issuance of the relocation permit. The time limit herein specified or the time limit specified in any permit issued within the provisions of this division may be extended for good and sufficient cause, either before or after the time period has expired, by a written order of the building official.

(Mun. Code, Sec. 10654)

Sec. 38-51. Notice of default--Required.

Whenever the building official finds that a default has occurred in the performance of any term or condition of any relocation permit he shall give written notice thereof to the principal and to the surety on the bond.

(Mun. Code, Sec. 10655)

Sec. 38-52. Same--Contents.

In a notice of default the building official shall state the work to be done, the estimated cost thereof and the period of time deemed by him to be reasonably necessary for the completion of such work.

(Mun. Code, Sec. 10656)

Sec. 38-53. Performance by surety.

After receipt of a notice of default, the surety, within the time therein specified, shall cause the required work to be performed.

(Mun. Code, Sec. 10657)

Sec. 38-54. Alternative action by surety in case of default.

When any default has occurred on the part of the principal, the surety, at its option, in lieu of completing the work required, may demolish the building or structure and clear, clean and restore the site.

(Mun. Code, Sec. 10658)

Sec. 38-55. Default on cash bond.

If a cash bond has been posted, the building official shall give notice of default, as provided in this division, to the principal, and if compliance is not had within the time specified the city may proceed without delay and without further notice or proceeding whatever, to use the cash deposit or any portion of the deposit to cause the required work to be done by contract or otherwise in its discretion. The balance, if any, of such cash deposit, upon the completion of the work, shall be returned to the depositor or to his successors or assigns after deducting the cost of the work plus ten percent thereof.

(Mun. Code, Sec. 10660)

Sec. 38-56. Interference with procedure followed upon default prohibited.

In the event of any default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the city, or any person employed or engaged on its behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure. The owner, his representative, successor or assign, or any other person who interferes with or obstructs the ingress or egress to or from any such premises, or any authorized representative or agent of any surety or of the city engaged in the work of completing, demolishing or removing any building or structure for which a relocation permit has been issued, after a default has occurred in the performance of the terms or conditions thereof, is guilty of a misdemeanor.

(Mun. Code, Sec. 10663)

Sec. 38-57. Return of cash bond.

When a cash bond has been posted, the city shall return the cash to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as provided elsewhere in this division.

(Mun. Code, Sec. 10661)

Sec. 38-58. Term of bond.

The term of each bond posted pursuant to this division shall begin upon the date of the posting thereof and shall end upon the completion of the satisfaction of the building official of the performance of all the terms and conditions of the relocation permit.

(Mun. Code. Sec. 10659)

Division 3. Moving Permit.Subdivision I. Generally.Sec. 38-59. Relocation permit prerequisite to issuance.

In all cases where the owner of any premises to which it is proposed to move any building or structure is required to obtain a relocation permit, the county road commissioner shall not grant a permit to move such building or structure until the applicant furnishes to the commissioner evidence that such owner has such relocation permit.

(Mun. Code, Sec. 8100)

Sec. 38-60. Application--Contents.

Application for a moving permit shall be made in duplicate and in writing to the county road commissioner specifying the kind of building or structure to be moved, the approximate weight thereof, as nearly as may be ascertained, the location of the same, the location to which and the route over or along which such building or structure and each section or portion of such building or structure is to be moved, the number of sections in which the building or structure will be moved, the type and number of conveyances upon which the same is to be moved, the total number of tire inches thereof for each separate section to be moved and the time when such building, structure or portion thereof, is proposed to be moved and within which such removal will be completed.

(Mun. Code, Sec. 8103)

Sec. 38-61. Same--Referral of duplicate to director of county department of parks and recreation.

Immediately upon receipt of an application for a moving permit, unless such application shows that the entire route to be traversed includes only such highways and parts of highways as are on the latest list as last amended as provided for in section 38-24, the county road commissioner shall transmit the duplicate thereof to the director of the county department of parks and recreation.

(Mun. Code, Sec. 8104)

Sec. 38-62. Same--Changes by county road commissioner.

The county road commissioner may make such changes in any application for a moving permit as in his opinion are necessary for the protection of the highways along or over which it is proposed to move the building or structure or to prevent undue interference with traffic or to avoid jeopardizing the safety of any persons using such highway.

(Mun. Code, Sec. 8107)

Sec. 38-63. Same--Processing.

If an applicant for a moving permit complies in all respects to this division and with all other applicable provisions of this Code, the county road commissioner shall transmit such application to the planning commission for processing in accordance with the provisions of division 2 of this article.

- (a) If the city council approves such application the commissioner shall issue a permit to do the moving requested in the application, as such application may be changed, if at all, by the commissioner.
- (b) If the council does not approve such application, all proceedings in connection with such application shall terminate forthwith.
- (c) The decision of the planning commission and of the city council need not be based on any particular showing or degree of proof, shall be made in the absolute discretion of the council and shall be final and conclusive.

(Mun Code, Sec. 8116)

Sec. 38-64. Posting--Required generally.

The moving contractor shall affix and maintain at all times while it is on the highway, in a conspicuous place on the building or structure to be moved, the permit for such moving.

(Mun. Code, Sec. 8117)

Sec. 38-65. Same--When building moved in sections.

If a building or structure is moved in more than one section, and more than one of such sections is moved at the same time, the moving contractor shall affix and maintain at all times while they are on the highway in conspicuous places on each section on which the original permit is not affixed, true copies of such permit.

Such true copies shall be issued by the county road commissioner upon payment to him by the applicant of an issuance fee of twenty-five cents for each additional copy.

(Mun. Code, Sec. 8118)

Sec. 38-66. Expiration.

Each permit issued shall become null and void upon the expiration of the time specified in the application unless the county road commissioner extends the time, which he may do if in his opinion the moving of the building or structure, or any portion thereof, is impracticable because of inclement weather, act of God, strikes or other causes not within the control of the permittee.

(Mun. Code, Sec. 8119)

Subdivision II. Deposits.Sec. 38-67. Required generally.

Every applicant for a moving permit from whom an issuance fee is required, who does not maintain a sufficient general deposit with the county road commissioner, shall deposit with the commissioner:

- (a) Ten dollars for a Class A permit.
- (b) Twenty-five dollars for a Class B permit.
- (c) Fifty dollars for a Class C permit.
- (d) One hundred dollars for a Class D permit.
- (e) Two hundred fifty dollars for a Class E permit.
- (f) Three hundred dollars for a Class F permit.

(Mun. Code, Sec. 8109)

Sec. 38-68. Deposit for tree trimming.

If the director of the county department of parks and recreation elects to do any part or all of the necessary tree trimming, before any permit is issued, in addition to any deposit made as required by section 38-67, the moving contractor shall also deposit with the county road commissioner an amount equal to that estimated by the director pursuant to section 38-27 to cover the costs of such necessary tree trimming.

(Mun. Code, Sec. 8110)

Sec. 38-69. General deposit.

In lieu of making the special deposits required by sections 38-67 and 38-68, the moving contractor may make and maintain with the county road commissioner a general deposit in a sum equal to the amount of the special deposit for the highest class of building or structure which he desires, expects or intends to move.

This general deposit shall be held and used for the same purpose as the special deposits prescribed by sections 38-67 and 38-68.

While such general deposit is maintained in an amount sufficient to cover the amount of the deposit required for the removal of any building or structure sought to be moved, the moving contractor need not make any special deposit.

(Mun. Code, Sec. 8111)

VERSION 10/2016

Sec. 38-70

Sec. 38-73

Sec. 38-70. Undertaking in lieu of deposit:

In lieu of making either a general or special deposit, or to supplement a general deposit not sufficient in amount, the moving contractor may file an undertaking with the county road commissioner in a penal sum not less than one thousand dollars, executed either by two good and sufficient sureties or by a corporation incorporated for the purpose of making, guaranteeing or becoming a surety upon bonds or undertakings, complying with section 1056 of the Code of Civil Procedure, and by the moving contractor conditioned upon the payment of all fees and other charges required by this division, which may become due because of any permits issued during a period of not less than one year.

(Mun. Code, Sec. 8112)

Sec. 38-71. When additional deposit required generally.

If, in the opinion of the county road commissioner, any special or general deposit or any undertaking or any combination thereof is not sufficient for the proper protection of the public interest in the highways, including any trees thereon, over which it is sought to move a building or structure, the commissioner may require either an additional deposit or an increase in the amount of the bond in such amount as he determines will be sufficient to protect such public interest.

(Mun. Code, Sec. 8113)

Sec. 38-72. Increase of deposit due to increase in building classification.

Before any permittee moves any building, structure or portion thereof, of a class higher than the class for which he has made any general or special deposit, he shall increase such deposit in an amount sufficient to cover the class sought to be moved.

(Mun. Code, Sec. 8115)

Sec. 38-73. Deduction from deposit.

The county shall deduct from the deposit made or maintained by each permittee:

- (a) The permit issuance fee if that has not otherwise been paid.
- (b) The cost of the services and transportation of any inspector appointed pursuant to section 38-19.
- (c) The cost of any repairs made necessary because of the moving of the building or structure.
- (d) The total cost of all tree trimming done by the director of the county department of parks and recreation made necessary in order to move the building or structure as specified in the permit, including all such trimming after the moving of the building or structure, to correct trimming done when the structure was moved.

(Mun. Code, Sec. 8126)

Sec. 38-74. Billing authorized rather than deductions from deposits.

If a moving contractor makes and maintains either a general deposit with the county road commissioner or an undertaking as provided in this subdivision, the deduction provided for in section 38-73 need not be made. In lieu of such deductions, the commissioner may bill the moving contractor for the amount due from him to the city under the provisions of this division. If, fifteen days after such bill has been sent, the moving contractor does not pay the same in full, then such amount may be deducted from his general deposit and the provisions of sections 38-73 and 38-75 shall apply, or the commissioner shall recover upon such undertaking.

(Mun. Code, Sec. 8128)

Sec. 38-75. Refund.

The remainder of any special deposit, if there is any remainder, shall be refunded to the person making such deposit, or to his assigns. In case the deposit shall not be sufficient to pay all fees and deductions provided for in this subdivision, the person to whom such permit is issued, shall, upon demand, pay to the county road commissioner or director of the county department of parks and recreation a sufficient sum to fully cover the same. Upon failure to pay such sum, the same may be recovered by the city in any court of competent jurisdiction, and until paid, no further such permit shall be issued to such moving contractor.

(Mun. Code, Sec. 8127)

Article IV. Excavations.<sup>3</sup>

Sec. 38-76. Applicability of article.

The provisions of this article apply only to permits for the making of excavations, fills or obstructions.

(Mun. Code, Sec. 8200)

Sec. 38-77. Application for permit--Contents.

The application for a permit for the making of excavations, fills or obstructions in any highway shall state in detail:

- (a) The location, dimensions, purpose, extent and nature thereof.
- (b) The time during which it is estimated that such excavation or obstruction will exist.

(Mun. Code, Sec. 8201)

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<sup>3</sup>As to excavations and artificial pool generally, see Ch. 16 of this Code.

Sec. 38-78. Same--Changes by commissioner.

The county road commissioner may make such changes in the application as to location, dimensions, character and number of the proposed excavations or obstructions as in his opinion are necessary for the protection of the highways within which it is proposed that the work be performed or for the prevention of undue interference with traffic or the safety of persons using such highways.

(Mun. Code, Sec. 8204)

Sec. 38-79. Agreement to remove or relocate pipes, conduits, etc.

Every application shall contain a statement, signed by the applicant, that if any tank, pipe, conduit, duct or tunnel placed in the excavation or obstruction for which a permit is issued, interferes with the future use of the highway by the general public, then the applicant and his successors or assigns will at his own expense remove such tank, pipe, conduit, duct or tunnel, or relocate at a location designated by the county road commissioner.

(Mun. Code, Sec. 8205)

Sec. 38-80. Plats required; exception.

When excavations are made for service connections or for the location of trouble in conduits or pipes, or for making repairs thereto, the county road commissioner may waive the filing of a plat. Otherwise each applicant for an excavation permit shall file with the application a plat in quadruplicate showing the highways in which the proposed excavation will be made, together with the exact locations and dimensions of the proposed excavations, and any other details which the commissioner requires.

(Mun. Code, Sec. 8202)

Sec. 38-81. Proof of right to use of highways.

Each applicant for a permit shall file with the county road commissioner proof of the applicant's right to use the highways for the purposes set forth in the application.

(Mun. Code, Sec. 8203)

Sec. 38-82. Special deposit of cost for repairing surface of highway.

Except in the case of construction under contract with the city where a faithful performance bond is posted which guarantees to the city the repair of the highway, including construction financed in whole or in part by special assessments, each applicant for a permit in addition to payment of the issuance fee shall deposit with the commissioner a sum of money in no event less than ten dollars, which is twice the estimated cost to the nearest five dollars of repairing the surface of the highway which may be damaged or destroyed by the proposed excavation or obstruction.

The cost shall be estimated by multiplying the number of square feet of surface which may be damaged as shown by the application and plat, and the number of inches of thickness, plus one inch, by such sum as the board of supervisors by order determines to most adequately represent the actual cost. Such order shall in no event specify a sum greater than twenty-five cents. The city council may change and revise such order from time to time. In the absence of any such order the amount shall be ten cents.

In all cases the cost shall be presumed to be not less than one dollar.

(Mun. Code, Sec. 8206)

Sec. 38-83. General deposit.

In lieu of making the special deposit required by section 38-82, the applicant may make and maintain with the county road commissioner a general deposit in an amount estimated by the commissioner to be sufficient to pay for the cost of permit issuance fees and expected repairs occasioned by future excavations or obstructions. The general deposit shall be held and used for the same purposes as the special deposit prescribed by section 38-82.

(Mun. Code, Sec. 8207)

Sec. 38-84. Undertaking in lieu of deposit.

In lieu of making either a general or special deposit, or to supplement a general deposit not sufficient in amount, the applicant may file an undertaking with the county road commissioner in a penal sum not less than one thousand dollars, executed either by two good and sufficient sureties or by a corporation incorporated for the purpose of making, guaranteeing or becoming a surety upon bonds or undertakings, complying with section 1056 of the Code of Civil Procedure, and by the applicant conditioned upon the payment of all fees and other charges required by this article, which may become due because of any permits issued during a period of not less than one year.

(Mun. Code, Sec. 8208)

Sec. 38-85. When special deposit not required.

While a general deposit is maintained, or while an undertaking is filed, either or both of which are of an amount sufficient to cover the amount of deposit required for the making of any excavation or obstruction sought to be made, the applicant need not make any special deposit.

(Mun. Code, Sec. 8209)

Sec. 38-86. When additional deposit or increased undertaking required.

If, in the opinion of the county road commissioner, any special general deposit or any undertaking is not sufficient for the proper protection of the public interest in the highways in which it is proposed to excavate or on which it is proposed to place obstructions, the commissioner may require an additional deposit, or that the amount of the undertaking be increased to such an amount as he determines will be sufficient to protect such public interest.

(Mun. Code, Sec. 8210)

Sec. 38-87. Deductions from deposits.

The county road commissioner shall deduct from any deposit made or maintained by the permittee:

- (a) The permit issuance fee if that has not otherwise been paid.
- (b) The cost to the county of refilling any excavation or removing any obstruction.
- (c) The cost to the county, calculated pursuant to the provisions of section 3882, of resurfacing the highway.
- (d) The cost of any inspection by the commissioner.

(Mun. Code, Sec. 8224)

Sec. 38-88. Refund of deposit to applicant.

After making the deductions specified in section 38-87, the commissioner shall refund to the applicant any amount still remaining in the same manner as provided by law for the repayment of trust money.

(Mun. Code, Sec. 8225)

Sec. 38-89. Additional payment when deposit insufficient.

If any deposit made is less than sufficient to pay all fees and costs provided for in section 38-87, the permittee shall, upon demand, pay to the county road commissioner an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency upon demand the city may recover the same by action in any court of competent jurisdiction. Until such deficiency is paid in full a permit shall not be issued to such permittee.

(Mun. Code, Sec. 8226)

Sec. 38-90. Billing for payment in lieu of deductions from deposits.

If a person makes and maintains with the county road commissioner either a general deposit or an undertaking as permitted by this article, the deductions hereinbefore provided for need not be made.

In lieu of such deductions, the commissioner may bill such person for the amount owed by him to the city, under the provisions of this article. If such an amount is not paid within fifteen days of the transmission of such bill, the commissioner may deduct such amount from the general deposit, and the provisions of sections 38-87 to 38-89 shall apply, or may recover upon such undertaking.

(Mun. Code, Sec. 8227)

Sec. 38-91. Approval of application.

If an applicant for a permit complies in all respects with this article and with all applicable provisions of all other provisions of this Code, the county road commissioner shall approve the application and the plat filed therewith. Upon approval such application and such plat shall become public records.

(Mun. Code, Sec. 8211)

Sec. 38-92. Issuance of permit.

When the county road commissioner approves an application for a permit he may issue the permit applied for.

(Mun. Code, Sec. 8212)

Sec. 38-93. Permits to be nontransferable.

Permits issued under this article are nontransferable.

(Mun. Code, Sec. 8215)

Sec. 38-94. Cancellation of permit.

The county road commissioner may cancel a permit unless the work therein permitted is commenced within sixty days of the issuance thereof and thereafter, in the opinion of the commissioner, is diligently prosecuted to completion.

(Mun. Code, Sec. 8216)

Sec. 38-95. Compliance with permit.

No permittee shall make or cause to be made any excavation, or construct, put upon, maintain or leave any obstruction or impediment to travel, or pile or place any material in or upon any highway, or install or maintain or cause to be installed or maintained any tank, pipe, conduit, duct or tunnel in or upon, or under the surface of any highway, at any location other than that described in the application, as amended, if amended, by the county road commissioner, and shown in the plat filed with such application, or in any way contrary to the term of the permit.

(Mun. Code, Sec. 8217)

Sec. 38-96. Warning devices.

In any permit issued by the county road commissioner, the county road commissioner and the city director of public works may specify what lights, barriers, warning signs or other measures designed to protect the public health, safety and welfare must be erected by the permittee in addition to the following:

- (a) Maintain the surface of the backfill or of the temporary pavement at an elevation equal to that of the adjoining street surface and in a manner safe for vehicle and pedestrian traffic.
- (b) Place and maintain barriers at each end of the excavation, cut or fill and at such places along the excavation, cut or fill as may be necessary to prevent accidents, but with a maximum interval of one hundred feet; and shall place and maintain a sign on every such barrier with letters not less than three inches in height, which sign shall state the name of the person making the excavation and in letters not less than six inches high, bearing the words "excavation" or "obstruction."
- (c) Place and maintain warning lights at each end of such excavation, cut or fill and at intervals of not less than fifty feet along the sides thereof from sunset each day to sunrise of the next day. A fee of ten dollars per day shall be charged such person for each barricade or warning light placed or replaced by the city where this article is violated by the absence of such barricades or warning lights.
- (d) Place and maintain any and all regulatory signs, warning signs, detour signs and/or directional signs as required by the project specifications or as required by the director of public works. A fee of ten dollars per day shall be charged such person for each such sign placed or replaced by the city where this article is violated by the absence of such signs.
- (e) Maintain a telephone where the permittee can be reached twenty-four hours a day, and shall leave the number of such telephone with the director of public works.
- (f) Maintain safe crossings for vehicle and pedestrian traffic at all street intersections, and shall maintain safe crossings for pedestrians along such excavations, cuts or fills at intervals of not less than six hundred feet.
- (g) Place all materials excavated compactly alongside the trench and in such a manner as to cause as little inconvenience as possible to vehicle and pedestrian traffic. If such street is not wide enough to hold the excavated material without the use of the adjacent sidewalk, such person shall erect a tight board fence upon and along such sidewalk and maintain thereon a passageway for pedestrian traffic at least four feet in width.
- (h) Maintain all adjacent gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width, measured from the face of such curb at the intersection of the curb and the street; and whenever a gutter crosses an intersecting street, shall provide and maintain an adequate waterway.
- (i) Provide access from the street to all fire hydrants and watergates and to abutting property owners, unless their consent to the contrary is first obtained.
- (j) Keep at least one-half the street open at all times for vehicular traffic.

(Mun. Code, Secs. 8213, 8214; Ord. No. 304)

Sec. 38-97. Completion of work--Responsibility of permittee.

Immediately upon completion of the work necessitating the excavation or obstruction permitted by any permit issued pursuant to this article, the permittee shall promptly and in a workmanlike manner refill the excavation or remove the obstruction.

(Mun. Code, Sec. 8218)

Sec. 38-98. Same--Refilling of excavation.

A permittee shall refill an excavation in the manner which the county road commissioner determines is most effective to accomplish thorough consolidation and enable the highway to be restored to a condition equivalent to that in which it was prior to the excavation.

(Mun. Code, Sec. 8219)

Sec. 38-99. Same--By road commissioner upon permittee's failure to do so.

If any permittee fails or refuses to refill any excavation which he has made, or remove any obstruction which he has placed in any highway, the county road commissioner may do so and charge the cost thereof to the permittee.

(Mun. Code, Sec. 8220)

Sec. 38-100. Same--Notice to commissioner.

Upon completion of the refilling of the excavation the permittee shall so notify the county road commissioner, in writing on a form prescribed by the commissioner.

(Mun. Code, Sec. 8221)

Sec. 38-101. Same--Resurfacing of highway--By permittee.

Upon completion of the refilling of the excavation the county road commissioner, at his option, may require the permittee to resurface that portion of the highway surface damaged by the permittee's excavation or obstruction, or the commissioner may elect to do such resurfacing himself. Where the pavement or surface has been removed, the permittee shall replace it to the thickness one inch greater than that of the surrounding pavement or surface, and, in no event, to a thickness less than two inches.

Where a treated or modified subgrade or surface has been removed or destroyed, the permittee shall replace it to a thickness of not less than that of the surrounding or adjacent subgrade or surface, unless the road commissioner orders that the repair of such treated or modified subgrade or surface shall be made by an oil and rock mixture, in which case the thickness shall not be less than one-half the thickness of the treated or modified surface or subgrade.

(Mun. Code, Sec. 8222)

Sec. 38-102. Same--Same--Charge to permittee.

If, after the refilling of an excavation the permittee fails or refuses to resurface that portion of the surface of the highway damaged by him, or if the county road commissioner elects to do such resurfacing, the commissioner may do such resurfacing. The cost of such resurfacing shall be charged against the permittee except in those instances where the permittee's excavation is within an area of pavement to be immediately reconstructed by the city, and the resurfacing of the excavation is an integral part of the general city improvement. The cost shall be computed as provided in section 38-82.

(Mun. Code, Sec. 8223)

Sec. 38-103. Future repairs to resurfacing to be charged to permittee.

If at any time subsequent to the first repair of a surface of a highway damaged or destroyed by an excavation or obstruction in such highway, it becomes necessary again to repair such surface due to settlement or any other cause directly attributable to such excavation or obstruction, the permittee shall pay to the county road commissioner the cost of such additional repairs.

If the permittee fails or refuses to pay such additional costs upon demand the city may recover such additional costs by an action against such permittee in any court of competent jurisdiction. Until such costs are paid the commissioner shall not issue any permits to such permittee.

(Mun. Code, Sec. 8228)

Sec. 38-104. Emergency excavations.

Nothing in this article prohibits any person from maintaining by virtue of any law, ordinance or permit, any pipe or conduit in any highway, or from making such excavation as may be necessary for the preservation of life or property when such necessity arises during such hours as the offices of the city are closed, if the person making such excavation obtains a permit therefor within one day after the offices of the commissioner are first opened subsequent to the making of such excavation.

(Mun. Code, Sec. 8229)

Sec. 38-105. Right of public to use of highway.

Every permit for an excavation in or under the surface of any highway shall be granted subject to the right of the city or of any other person entitled thereto, to use that part of such highway for any purpose for which such highway may lawfully be used.

(Mun. Code, Sec. 8230)

Article V. Construction Generally.

Sec. 38-106. Applicability of article.

The provisions of this article apply to permits for the laying, constructing, reconstructing or repairing of curbs, sidewalks, gutters, driveways, highway surfaces, retaining walls, storm drains, culverts or other appurtenant highway structures. This article also applies to permits for the construction, reconstructing or repairing by any person of any highway light, or highway lighting system in any highway or in any privately owned thoroughfare which is open to public travel.

(Mun. Code, Sec. 8300)

Sec. 38-107. Application for permit.

An applicant for a permit shall state in his application:

- (a) The location, nature and extent of the work to be performed, including, if the work relates to highway lighting, plans and specifications.
- (b) The materials to be used.
- (c) Such other information as the county road commissioner may require.

(Mun. Code, Sec. 8301)

Sec. 38-108. Deposit and engineering and inspection fee--Required; amounts.

An applicant for a permit to construct any work shall, in addition to the issuance fee, pay or make a deposit for an engineering or inspection fee or engineering and inspection fee in an amount estimated by the superintendent of streets to be equal to twice the actual cost of all necessary engineering and inspection.

- (a) For each residential driveway, twelve dollars.
- (b) For each commercial driveway, twenty-three dollars.

(Mun. Code, Sec. 8302; Ord. No. 375)

Sec. 38-109. Same--Refunds; deductions; costs in excess of deposit.

- (a) The engineering and inspection costs provided for in subsections (a) and (b) of section 38-108 shall be presumed to be the actual cost. A refund shall not be made to any applicant unless the inspection and engineering fee was erroneously collected, in which case the entire amount may be returned, or if the driveway or driveways were not constructed by the permittee, the applicant may apply for a refund of the unused fees less a charge of one dollar and fifty cents on the permit for final inspection charges. Where the deposit has been made under section 38-108, the county road commissioner shall deduct from the deposit the amount of the issuance fee and the actual cost to the county of the required engineering and inspection. If such cost and fee is less than the deposit, the difference shall be refunded to the person making the deposit in the same manner as provided by law for the repayment of trust money.
- (b) If the cost, plus the issuance fee, exceeds the deposit, the permittee shall pay the excess to the city. If he does not so pay within fifteen days, the city may recover such sum in any court of competent jurisdiction. Until such amount is paid, further permits shall not be issued.

(Mun. Code, Sec. 8303)

Sec. 38-110. Repealed by Ordinance No. 375.

Sec. 38-111. Submission of plans.

If in the opinion of the county road commissioner, the work proposed to be done requires the making of plans or the setting of stakes, or both, the commissioner may require the application be accompanied by the necessary plans, which plans shall be prepared by a competent engineer.

(Mun. Code, Sec. 8307)

Sec. 38-112. Issuance of permit.

If the applicant complies with every provision of this article and with all applicable provisions of all other ordinances and statutes, the county road commissioner may issue to the applicant a written permit to perform the work set forth in the application.

(Mun. Code, Sec. 8308)

Sec. 38-113. Appeals from denial of application relative to highway lighting.

If an application relating to highway lighting is denied, the applicant may apply to the city council for such a permit.

(Mun. Code, Sec. 8309)

Sec. 38-114. Residential driveways--Issuance of permit.

The county road commissioner shall issue without any inspection fee or deposit therefor, a permit to construct a residential driveway if the applicant for such permit pays the issuance fee and submits satisfactory evidence to the commissioner that:

- (a) The distance from the curb line to the property line does not exceed ten feet.
- (b) There is no space between the sidewalk and the curb.
- (c) The distance from the inside of the sidewalk and the property line does not exceed five feet.
- (d) The driveway will be inspected by a competent governmental agency other than an agency of the city, and such governmental agency will furnish a certificate to the effect that portion of the driveway installed in the public right of way was inspected and complies with minimum standards required by the city.

(Mun. Code, Sec. 8304)

Sec. 38-115. Same--Inspection by commissioner.

If an applicant receives a permit pursuant to the provisions of section 38-114 and the governmental agency referred to in subsection (d) of that section fails to make the inspection or fails to file the certificate there provided for within four months of the issuance of the permit, the county road commissioner may himself inspect the driveway in which case the applicant shall pay to the commissioner the actual cost of such inspection.

(Mun. Code, Sec. 8305)

Sec. 38-116. Commencement of work.

Every permittee shall commence the proposed work within sixty days after the granting of the permit and thereafter prosecute the work in a diligent and workmanlike manner to completion.

(Mun. Code, Sec. 8310)

Sec. 38-117. Revocation of permit--Delay in commencing work.

Unless in his opinion a good and sufficient reason exists for the delay, the county road commissioner may revoke a permit unless work thereunder is commenced within sixty days of the date of issuance.

(Mun Code, Sec. 8311)

Sec. 38-118. Same--Work to be included in that of assessment district.

The county road commissioner may refuse to issue permits or may revoke any outstanding permits heretofore or hereafter issued, or any portion thereof, where the work has not been started, when the work authorized by the permits, or such portions thereof, is included in the proposed work to be done by any existing assessment district, or by any proposed assessment district, concerning the formation of which the debt limit report required by law has been filed.

(Mun. Code, Sec. 8312)

Sec. 38-119. Same--Refund of deposit or fee.

When a permit has been revoked by the county road commissioner, the permittee may obtain a refund of any unused fee paid or unused deposit made. No part of any issuance fee may be refunded.

(Mun. Code, Sec. 8313)

Sec. 38-120. Relocation of structures, trees, etc.

If so required by the county road commissioner, the permittee shall make proper arrangements for, and bear the cost of, relocating any structure, public utility, tree or shrub, where such relocation is made necessary by the proposed work for which a permit is issued. The commissioner may elect to do the necessary relocation. In that case the permittee shall deposit with the commissioner a sum of money estimated by him to be sufficient to pay the costs thereof. After such relocation, a refund shall be paid to, or a deficiency shall be paid by, the permittee as provided in section 39-109.

(Mun. Code, Sec. 8314)

Sec. 38-121. Lines and grades.

Before a permittee performs any work covered by this article he shall obtain from the county road commissioner the lines and grades therefor.

(Mun. Code, Sec. 8315)

Sec. 38-122. Standards for performance of work.

The permittee shall perform all work in accordance with plans, if plans are made, and specifications referred to in the permit, and to the satisfaction of and under the supervision of the county road commissioner.

The commissioner may waive inspection if he believes such inspection is not necessary for the best interests of the city.

(Mun. Code, Sec. 8316)

Sec. 38-123. Payment for additional stakes.

If any stakes set for any work covered by this article are disturbed or destroyed and it becomes necessary to set additional stakes, the permittee shall deposit a sum estimated by the county road commissioner to be sufficient to pay the cost of setting additional stakes. The commissioner shall set the additional stakes. After such setting, a refund shall be paid to, or a deficiency shall be paid by, the permittee as provided in section 38-109.

(Mun. Code, Sec. 8317)

Sec. 38-124. Inspection before commencement of work.

Not less than eighteen hours before the commencement of any work covered by this article, the permittee shall apply in writing to the county road commissioner for an inspection therefor. In such application he shall specify the day and hour when, and the location at which, the work will be commenced.

(Mun. Code, Sec. 8318)

Sec. 38-125. Warning devices required.

A permittee shall place and maintain at each end of the work, not more than fifty feet apart along the side thereof, unless otherwise directed by the county road commissioner, from sunset of each day until sunrise of the following day, until the work is entirely completed, flares or red warning lights. He shall also place and maintain barriers not less than three feet high at each end of the work until the work is completed to the entire satisfaction of the commissioner.

(Mun. Code, Sec. 8319)

Sec. 38-126. Completion of work--Notice to commissioner.

Whenever any permittee has completed any work for which a permit has been granted, he shall so notify the county road commissioner in writing.

(Mun. Code, Sec. 8320)

Sec. 38-127. Same--Removal of debris.

A permittee shall remove all material and debris:

- (a) Where new work is covered with earth, in accordance with the terms of the specifications attached to the permit.
- (b) In all other cases within three days.

(Mun. Code, Sec. 8323)

Sec. 38-128. Same--Certificate of acceptance.

If the county road commissioner by survey or by inspection or by both ascertains that the work has been completed according to the requirements of the permit issued therefor, and of all of the provisions of this article, he shall issue, if requested to do so by the permittee, a certificate of acceptance which shall contain a statement of the location, nature and extent of the work performed under the permit.

(Mun. Code, Sec. 8321)

Sec. 38-129. Lighting systems--Conformance to specifications.

Every highway light and highway lighting system installed or constructed in any highway or private thoroughfare which is open to public travel, and any excavation or backfill therefor, shall be made to conform in workmanship and material, and manner of construction, with those certain specifications of the county road commissioner designated as "Standard Specifications for the Construction of Street Lighting Systems and Appurtenances thereto in the County of Los Angeles, California," as approved by the board of supervisors of the county, as the same shall exist at the date of the issuance of the permit, insofar as such specification may be applicable thereto.

(Mun. Code, Sec. 8324)

Sec. 38-130. Same--Dedication--Conformance with requirements.

If any person offers to dedicate as a highway any land upon which any highway light or highway lighting system has been installed, the city manager, before presenting such offer to the city council, shall refer such offer to the county road commissioner for investigation and report as to whether such highway light or highway lighting system conforms with the requirements of this article and with the specifications adopted hereby.

(Mun. Code, Sec. 8325)

Sec. 38-131. Same--Same--Investigation by commissioner.

Upon reference to him the county road commissioner shall make an adequate investigation of such highway light or highway lighting system, and the construction and installation thereof and shall report, in writing, to the city council advising it as to whether or not such highway light or highway lighting system so complies, and if not, what changes or alterations are necessary so that such light or system will conform.

If such light or system does not conform the city council shall not accept such offer of dedication unless and until such light or system, shall have first been made to conform to the provisions of this article and to the specifications.

(Mun. Code, Sec. 8326)

Sec. 38-132. Compliance with permit.

No person shall perform any work covered by this article in an amount greater than, or in any way different from, or contrary to the terms of any permit issued therefor.

(Mun. Code, Sec. 8322)

Article VI. Sidewalks, Curbs and Gutters.

Sec. 38-133. Repealed by Ordinance No. 269.

Sec. 38-134. Repealed by Ordinance No. 269.

Sec. 38-135. Repealed by Ordinance No. 269.

Sec. 38-136. Repair or reconstruction--Responsibility of abutting property owner.

When any sidewalk or curb constructed on any road, boulevard, street, avenue, lane or alley shall be out of repair or in need of reconstruction or in a condition to endanger persons passing thereon or to interfere with public convenience in the use thereof, it shall be the duty of the owner of, or other person in charge of or in control of, the property abutting upon the sidewalk or curb to repair or reconstruct the sidewalk or curb.

(Mun. Code, Sec. 8500)

Sec. 38-137. Same--Failure to do so prohibited.

It shall be unlawful for any owner, or other person in charge of or in control of, any property, abutting upon any sidewalk or curb constructed upon any road, boulevard, street, avenue, lane or alley, to fail to repair or reconstruct the sidewalk or curb when the sidewalk or curb shall be out of repair or in need of reconstruction or in a condition to endanger persons passing thereon.

(Mun. Code, Sec. 8501)

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Sec. 38-138

Sec. 38-141

Sec. 38-138. Same--Notice to abutting property owners; work to be performed by city upon owner's refusal to do so; collection of city's expenses.

When any sidewalk or curb constructed on any road, boulevard, street, avenue, lane or alley shall be out of repair or in need of reconstruction, or in a condition to endanger persons passing thereon, and when the county road commissioner shall have actual knowledge of such fact, he shall cause notice to be given to the owner of, or other person in charge of or in control of, the property abutting upon such sidewalk or curb to repair or reconstruct the sidewalk, and if such owner or other person shall fail to repair or reconstruct the sidewalk or curb within five days after the giving of such notice, the commissioner shall cause the sidewalk or curb to be repaired or reconstructed out of the city funds which may be available for such purpose, and the expense thereof shall be charged against such owner or other person, to be recovered by action in the name of the city. The notice aforesaid shall be served in the manner provided by law for the service of summons in a civil action, if such owner or other person can be found in the city, or if such owner or other person cannot be found, then by delivering the same to the person in possession of such property, if such property is occupied, or if unoccupied by posting the same upon the property. Such notice shall specify the manner of the repair or reconstruction and the materials to be used in such work, and shall state that if such owner or other person shall fail to repair or reconstruct the sidewalk or curb as required, within five days thereafter, such work will be done by the city at the expense of such owner or other person, and that such owner or other person will be prosecuted for such failure to repair or reconstruct.

(Mun. Code, Sec. 8502)

Article VII. Overhead Structures.

Sec. 38-139. Defined.

"Overhead structure" means any structure extending over the dedicated portion of a highway, including canopies but excluding such projections from buildings as are enumerated in the county Building Code adopted by chapter 10.

(Mun. Code, Sec. 8400)

Sec. 38-140. Permit to erect or maintain required.

A person shall not erect or maintain any overhead structure without a permit from the county road commissioner.

(Mun. Code, Sec. 8401)

Sec. 38-141. Deposit--Required; amount.

An applicant for a permit to erect or maintain an overhead structure shall deposit with the county road commissioner an amount estimated by the commissioner to be equal to twice the actual cost of all necessary engineering and inspection, and repair of any sidewalk or highway surface which may be injured by such construction.

(Mun. Code, Sec. 8402)

Sec. 38-142. Same--Deductions; excess costs.

The county road commissioner shall deduct from the deposit the amount of the issuance fee and the actual cost to the city of the required engineering and inspection and of repairing any sidewalk or highway surface necessitated by such construction. If such cost and fee is less than the deposit, the commissioner shall refund the difference to the person making the deposit, in the same manner as provided by law for the repayment of trust money.

If the cost, plus the issuance fee, exceeds the deposit, the permittee shall pay the excess to the city within fifteen days after receiving a statement of such excess from the commissioner.

(Mun. Code, Sec. 8403)

Sec. 38-143. Application for permit.

An application for a permit to construct or to maintain an overhead structure shall be in writing upon forms provided by the county road commissioner.

(Mun. Code, Sec. 8404)

Sec. 38-144. Issuance of permit.

If it appears to the county road commissioner that the overhead structure will not, insofar as he can foresee at the time of the application, create a hazard of any kind, that it will comply with this article and with all other ordinances and that the deposit has been made, he shall issue the permit. Otherwise he shall deny the permit.

(Mun. Code, Sec. 8405)

Sec. 38-145. Revocation of permit--Grounds.

The county road commissioner may revoke any permit to construct or maintain an overhead structure if he finds:

- (a) Any state of facts which would have required that the permit be denied.
- (b) That the permit was obtained by fraud.
- (c) That the overhead structure is a hazard of any kind.
- (d) That any money due to the city pursuant to this article has not been paid.

(Mun. Code, Sec. 8409)

Sec. 38-146. Same--Appeal to city council.

Within ten days after a permittee has received notice from the county road commissioner that his permit to construct or maintain an overhead structure has been revoked, the permittee may file a notice of appeal with the city council.

(Mun. Code, Sec. 8410)

Sec. 38-147. Same--Hearing of appeal.

Upon receiving a notice of appeal the city council shall hold a hearing, either before itself or before a referee, in the same manner as prescribed for the revocation of a business license. Upon the evidence at such hearing the city council may reverse, affirm or modify the action of the county road commissioner. The decision of the council need not be based upon any particular showing or degree of proof, shall be made in the absolute discretion of the council and shall be final and conclusive.

(Mun. Code, Sec. 8411)

Sec. 38-148. Same--Effective date.

A revocation of a permit to erect or maintain an overhead structure becomes effective on the date specified in the order of the city council on its decision on appeal, if an appeal is filed, otherwise when the time for appeal has expired. If no date is specified in the order of the city council the revocation becomes effective on the date of such action.

(Mun. Code, Sec. 8412)

Sec. 38-149. Same--Removal of structure.

Upon the effective date of a revocation, the person maintaining the overhead structure shall remove such overhead structure, including all framework and supports, and restore the highway or sidewalk, as the case may be, to its original condition.

(Mun. Code, Sec. 8413)

Sec. 38-150. Application of article to canopy permits.

Any permit to erect or maintain a canopy shall be treated and deemed to be a permit to maintain an overhead structure, and all of the provisions of this article apply to such permit and to such permittee.

(Mun. Code, Sec. 8414)

Sec. 38-151. Minimum height of structure.

Each overhead structure other than a canopy shall be not less than fifteen feet above the highest portion of the highway surface over which such overhead structure extends. If the road commissioner finds that traffic conditions are such that it is necessary for highway safety that such structure be at a greater height, then such structure shall be at such greater height as specified by the road commissioner.

(Mun. Code, Sec. 8406)

Sec. 38-152. Canopies--Support; construction.

Each canopy shall be supported by metal posts set into the sidewalk, parkway or other portion of the highway not designed for use by motor vehicles, on a line two feet back from the face of the curb, if any, otherwise from the edge of the portion of the highway designed for use by motor vehicles, and shall be constructed in such a manner that no portion thereof shall extend toward the roadway more than six inches beyond the metal posts.

(Mun. Code, Sec. 8407)

Sec. 38-153. Same--Specifications.

A canopy shall not exceed ten feet in width and, except for the vertical supports, each canopy shall have a vertical clearance of not less than eight feet at every point and shall not exceed twelve feet in height. A valance or border if made of canvas, cloth or similar fabric, shall be at least seven feet above the sidewalk or parkway at every point. If the canopy is covered with metal, no portion of the valance or border shall be less than seven feet six inches above the sidewalk or parkway at every point.

(Mun. Code, Sec. 8408)

Article VIII. Roadside Trees and Parkway Landscaping.

Sec. 38-154. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Designated authority. That contractual agent with whom the city shall contract for the supervision, care and maintenance of roadside trees.

Drought tolerant landscaping. Those landscape plantings, including, but not limited to, trees, shrubs, perennials, groundcovers, ornamental grasses and California-native plants that require low water use for maintenance and that are included in the Metropolitan Water District's California Friendly Garden Guide catalogue, available at <http://www.bewaterwise.com>.

Parkway. That portion of a public right-of-way which is available for landscaping and not for curb, gutter or pavement.

Permittee. The original subdivider or his assigns, or the purchasers of the subdivided property, or any renter or possessor of any property so subdivided.

Roadside trees. Those trees located in that area or dedicated roadway, street or highway, between the sidewalk and the inside line of the roadway, street or highway, curb, if installed, or where sidewalks are not installed, that area outside of the inside curb line within the roadway, street or highway dedication.

(Mun. Code, Secs. 8600, 8601, 8603; Ord. No. 1075)

Sec. 38-155. Compliance with rules and regulations for planting generally.

All trees planted in any roadside tree area, as defined in section 38-154, shall be in accordance with the rules and regulations adopted by the city council by resolution and such other rules and regulations imposed by the designated authority of the city. No trees shall be planted, pruned or removed in violation of any such rules and regulations.

In addition, the following regulations shall apply for landscaping of parkways in the R-1 (Single Family), R-2 (Medium Density), R-M (Multiple Family), C-3 (General Commercial), C-M (Commercial Manufacturing), M-1 (Light Manufacturing), and M-2 (Heavy Manufacturing) zones:

- (a) All parkways shall be landscaped with live drought tolerant plants, compost, mulch, and artificial turf, or any combination thereof.
- (b) Live plant materials shall compose a majority more than 65% of the residential parkway, exclusive of permitted driveways. Other than permitted nonliving material, all areas shall be covered with live plant material.
- (c) Parkway landscaping shall consist of artificial turf or drought tolerant plants.
- (d) Parkways in C-3 (General Commercial), C-M (Commercial Manufacturing) and M-1 (Light Manufacturing), and M-2 (Heavy Manufacturing) zones shall comply with the Model Water Efficient Landscape Ordinance (MWELo) of the State of California and Article XXIV of the Paramount Municipal Code.

(Mun. Code, Sec. 8602; Ord. No. 1075)

Sec. 38-156. Permit requirements.

No person shall remove, cut, trim or prune, injure or interfere with any roadside tree located in a roadside tree area, or with any tree, shrub or plant located on any parkway panel or public place in the city, without a permit therefor from the designated authority. The designated authority is authorized to grant permission, in his discretion, to any owner or authorized representative to remove at his own expense a roadside tree, and at the discretion of the designated authority to require the owner or authorized representative to bear the cost of replanting any such roadside tree of the type and specification required by the designated authority, and such permit shall become and be void unless work pursuant thereto is commenced within thirty calendar days from the date of issuance of such permit, and such removal shall be prosecuted diligently to completion before the expiration of sixty calendar days from such date.

(Mun. Code, Sec. 8604)

Sec. 38-157. Cash deposit or bond generally.

The designated authority may, at his discretion, require the posting of a cash deposit or bond in such amount as he may deem sufficient to secure the completion of work and to indemnify the city against any damage to public property arising from the exercise of rights granted under a permit and to include the cost of inspection.

(Mun. Code, Sec. 8605)

Sec. 38-158. Failure to perform work under permit; forfeiture of deposit or bond.

In the event any person who has been issued a permit, fails to perform the same within the discretion of the designated authority, the designated authority may enter upon the premises and complete the work as set forth in the permit and forfeit the bond or cash the bond to cover the cost of same.

(Mun. Code, Sec. 8606)

Article IX. Bus Benches.

Sec. 38-159. Defined.

"Bench" means a seat located upon public property along any public way for the accommodation of passersby or persons awaiting transportation.

(Ord. No. 493)

Sec. 38-160. Permit to install or maintain required.

No companies will be allowed to install or maintain any bench without a permit. A separate permit must be obtained for each bench, and no more than two permits will be issued for any one location.

(Ord. No. 493)

Sec. 38-161. Application for permit.

No permit will be issued unless accompanied by a written application or request, including the proposed location of each bench, the type of construction proposed, and any other information which the city manager or his designee may require including the proposed wording or display.

(Ord. No. 493)

Sec. 38-162. License and permit fee.

A bus bench permit shall cost five dollars (section 11-5a of this Code). Each permit will expire twelve months following the date of issuance. Permits may be renewed upon payment of the fee.

Licensing fees shall be charged for bus bench advertising pursuant to section 26-55 of the City Code. Prior to license renewal, an inventory of the applicant's benches shall be submitted to the city.

(Ord. No. 493)

Sec. 38-163. Permits to be nontransferable.

Whenever a bench is sold or transferred, the new owner must obtain a new permit for its maintenance. Permits are not transferable.

(Ord. No. 493)

Sec. 38-164. Designation of owner required.

Each bus bench will carry the name and telephone number of the owner of the bench in letters not less than one inch high and not more than three inches high.

(Ord. No. 493)

Sec. 38-165. Display; certain matters prohibited.

All advertising matter shall be displayed on the front and/or rear surfaces of the back rest, and not more than seventy-five percent of each surface shall be used. No advertisement or sign on any bench shall display the words "STOP," "LOOK," "DRIVE-IN," "DANGER," or any other word, phrase, symbol, or character calculated to interfere with, mislead, or distract traffic.

(Ord. No. 493)

Sec. 38-166. Maintenance and installation standards.

- (a) No bench shall be located at a point less than eighteen inches or more than thirty inches from the face of the curb, and each bench must be kept parallel with the curb.
- (b) All benches must measure approximately forty-two inches by thirty inches by ninety-six inches and must be approved by the city manager, or his designee.
- (c) Each bench shall be maintained by the permittee in a good, safe, neat, and clean condition at its proper location.
- (d) Benches shall not be moved from one location to another without approval and revision of the permit.

(Ord. No. 493)

- (e) Administrative removal of benches.
  - (1) Dangerous or hazardous condition. Notwithstanding other provisions of this article, the city manager may immediately correct a dangerous or hazardous condition or remove any such bench causing such condition. If the bench is impounded pursuant to this section; a written notice of such action shall be sent to the permittee maintaining the bench within two working days after the impoundment.
  - (2) A bench may be impounded for violation of the terms and conditions of this ordinance under the following conditions:
    - a. The city manager or his designee must attach a tag upon the particular bench found in violation. A written notice of the violation shall be sent to the permittee. Said notice shall also provide that permittee is entitled to a hearing with the city manager to contest the alleged violation. Said hearing shall be provided and the time and place thereof to permittee within ten working days of the date of the written notice of violation. The permittee, if dissatisfied with the action of the city manager, may appeal to the city council in the manner and procedure set forth in section 11-2 of this Code.
    - b. Upon removal by the city, such bench shall be stored in any convenient place. The city manager or his designee shall take reasonable steps to notify permittee of the fact of bench removal, the place of storage, and that unless the bench is claimed within forty-five days and the cost of the pick up, as fixed by the city manager, paid, the bench will be deemed abandoned and will be destroyed. Upon failure of permittee to claim the bench and pay such costs within forty-five days after such notice has been sent to permittee, such bench shall be deemed to have been abandoned by permittee and to be abandoned property and the bench shall be destroyed.

(Ord. No. 493)

Sec. 38-167. Enforcement.

The city manager, or his designee, shall enforce the provisions of this article, and shall have authority over the installation and maintenance of benches as provided in this article.

(Ord. No. 493)

Sec. 38-168. Revocation; refusal to renew.

The city manager, or his designee, may revoke or deny renewal of any permit for any violation of any of the provisions stated above, for any fraud or misrepresentation in the application, or for any other reason which would have been grounds for denial of the application.

Unless granted an extension by the city manager, or his designee, any permit issued under this part shall be canceled and revoked if the permittee fails to install the bench within sixty days after the date of issuance of the permit.

(Ord. No. 493)

Sec. 38-169. Appeal.

Any applicant for a permit dissatisfied with the decision of the issuance or non-issuance of a permit may appeal said decision to the city council in the manner and procedure set forth in section 11-2 of this Code.

(Ord. No. 493)

(Mun. Code, Secs. 6032, 6130, 6131, 8002, 8003, 8004, 8005, 8006, 8007, 8008, 8009, 8011, 8012, 8013, 8014, 8015, 8016, 8017, 8018, 8019, 8020, 8021, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8122, 8123, 8124, 8125, 8126, 8127, 8128, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8217, 8218, 8219, 8220, 8221, 8222, 8223, 8224, 8225, 8226, 8227, 8228, 8229, 8230, 8300, 8301, 8302, 8303, 8304, 8305, 8307, 8308, 8309, 8310, 8311, 8312, 8313, 8314, 8315, 8316, 8317, 8319, 8320, 8321, 8322, 8323, 8324, 8325, 8326, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8419, 8411, 8412, 8413, 8414, 8406, 8407, 8408, 8500, 8501, 8502, 8600, 8601, 8602, 8603, 8604, 8605, 10600, 10601, 10602, 10603, 10604, 10605, 10650, 10651, 10652, 10653, 10654, 10655, 10656, 10657, 10658, 10659, 10660, 10661, 10662, 10663; Ord. Nos. 247, 269, 304, 375, 418, 493, 1075)

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