

**TITLE 8
HEALTH AND SAFETY**

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PUBLIC HEALTH

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8.02.010 Adoption of Public Health Licenses Code.

Division 1, Parts 1 through 6, inclusive, of Title 8 of the Los Angeles County Code (Public Health Licensing Code), as amended and in effect on August 29, 2011, is adopted as the Public Health Licenses Code of the City of Claremont, and by reference is made a part of this chapter with the same force and effect as though fully set forth herein, subject to amendments, deletions and additions set forth in this chapter. (11-08)

8.02.020 Adoption of Health Code.

Division 1 of Title 11, Chapters 11.02 to 11.38, inclusive, of the Los Angeles County Code (Health Code), as amended and in effect on August 29, 2011, is adopted as the Public Health Code of the City of Claremont, and by reference is made a part of this chapter with the same force and effect as though fully set forth herein, subject to amendments, deletions, and additions set forth in this chapter. (11-08)

8.02.030 Adoption of Body Art Regulations.

Environmental Health Regulations, Part I, Chapter 36, of the County of Los Angeles, Department of Public Health (County Body Art Regulations), as adopted and in effect on August 29, 2011, are adopted as the Body Art Regulations of the City of Claremont, and by reference is a made a part of this chapter with the same force and effect as though fully set forth herein, subject to amendments, deletions and additions set forth in this chapter. (11-08)

8.02.040 Will and Intention of the City Council.

The provisions of the incorporated Los Angeles County Public Health Licensing Code, Health Code, and Body Art Regulations (collectively referred to as "County Health Code") fully express the will and intention of the City Council of the City of Claremont as to those matters related to public health, which are contained therein and adopted herein. (11-08)

8.02.050 Conflicts or Inconsistencies.

The provisions of this chapter, insofar as they are substantially the same as provisions of other provisions of the Claremont Municipal Code relating to the same subject matter existing immediately preceding adoption of the chapter, shall be construed as restatements and continuances, and not as new enactments. In the event of any conflict or inconsistency between the provisions of this adopted codes and regulations of Los Angeles County codes and regulations, and any other provisions of the Claremont Municipal Code, the other provisions of the Claremont Municipal Code shall govern. (11-08)

8.02.060 Other Requirements.

The issuance of a permit, certification, or approval under the provisions of this chapter shall not constitute a waiver of any other requirement, or constitute an approval of any provision of the Claremont Municipal Code or any other law or ordinance, and all such requirements and provisions shall be complied with in addition to the obtaining of a permit, certification, or approval under the provisions of this chapter. A permit, certification, approval, or document purporting to give authority to violate any law or ordinance shall not be valid with respect to such authority. (11-08)

8.02.070 Violations and Penalties.

A. Violations – No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this chapter. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this chapter shall be a misdemeanor or an infraction, at the discretion of the City Attorney.

B. Penalties for Violations - All penalties for violations of this chapter shall be as set forth in Chapter 1.12 General Penalty of the Claremont Municipal Code. The penalties provided in Chapter 1.12 are cumulative to any other penalty provided by law.

C. Compliance with Health Officer – All persons shall obey all rules, regulations, orders or directives of the health officer, as defined in Section 8.04.240 of the Los Angeles County Code. Any person who, after notice, violates, or who, upon demand of the health officer, refuses or neglects to conform to any rule, regulation, order or directive prescribed by the health officer, shall be guilty of an infraction, or a misdemeanor, at the discretion of the City Attorney, as set forth in Chapter 1.12 of the Claremont Municipal Code. (11-08)

Chapter 8.04

FOOD ESTABLISHMENTS

Sections:

- 8.04.010 Definitions.
- 8.04.020 Standards of purity.
- 8.04.030 Rules and regulations--Council authority.
- 8.04.040 License--Required.
- 8.04.050 License--Requirements.
- 8.04.060 License--Revocation.
- 8.04.070 License--Surrender of certificate.
- 8.04.080 Misleading advertising prohibited.
- 8.04.090 Preparation of certificates and forms.
- 8.04.100 Regulations for food establishments.

8.04.010 Definitions.

A. "Food establishment" shall have the same meaning as set forth in 8.04.141 of the Los Angeles County Code, which is adopted as part of Chapter 8.02 of the Claremont Municipal Code. (11-08)

8.04.100 Regulations for Food Establishments.

A. Food Preparation and Dispensing – Any person, group, corporation or association, which prepares food for, or dispenses food to members of the public, shall comply with the provisions of the Public Health Licensing Requirements and Health Code of Los Angeles County, adopted by reference and incorporated as part of Chapter 8.02 of the Claremont Municipal Code.

B. Enforcement – The City of Claremont, having adopted and incorporated the Public Health Licensing Requirements and Health Code of Los Angeles County as part of Chapter 8.02 of this code, authorizes the County of Los Angeles to enforce licensing requirements and code provisions requiring licensing and inspections of food establishments and the posting of food establishment inspection grades.

GARBAGE AND SOLID WASTE

Sections:

- 8.08.010 Definitions.
- 8.08.020 Collection--Reserved for city or contractor.
- 8.08.030 Collections--Authorization.
- 8.08.040 Collection--Licensing authority--Bids.
- 8.08.050 Collection--Licensee's bond.
- 8.08.060 Collection--Revocation of license.
- 8.08.070 Collection--Vehicle regulations.
- 8.08.080 Collection--Maximum weight for residential pickup.
- 8.08.090 Collection--Certain refuse not subject to routine collection.
- 8.08.095 Recycling.
- 8.08.100 Collection--Special service charges.
- 8.08.110 Collection--Tree trimmings and hazardous waste.
- 8.08.120 Collection--Number of collections.
- 8.08.130 Collection--Charges--Classes.
- 8.08.140 Collection--Fees--Persons to be billed--Exemptions.
- 8.08.150 Collection--Fees--Billing period--Delinquent penalty.
- 8.08.160 Collection--Delinquent accounts--Hearing--Costs to become lien when.
- 8.08.170 Receptacles--Owner responsibility--Type. (Repealed by Ord. 04-04)
- 8.08.180 Receptacles--Location.
- 8.08.190 Receptacles--Backyard collection.
- 8.08.200 Receptacles--Manner and time of placement.
- 8.08.210 Receptacles--Authorized persons to move.
- 8.08.220 Receptacles--Sanitary requirement.
- 8.08.230 Receptacles--Covering required.
- 8.08.240 Dumping or burying garbage prohibited.
- 8.08.250 Garbage accumulations prohibited.
- 8.08.255 Composting permitted.
- 8.08.260 Storing garbage accessible to rats prohibited.
- 8.08.270 Burning garbage prohibited--Exception.
- 8.08.280 Burning waste matter prohibited--Exception.
- 8.08.290 Conveyance of garbage prohibited--Exception.
- 8.08.300 Disputes and complaints.
- 8.08.310 Enforcement of provisions--Right of entry.
- 8.08.320 Disposal by producers of waste matter.

8.08.010 Definitions.

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

- A. "City manager" means the city manager of the city or his duly authorized representative.
- B. "Combustible waste matter" includes and means magazines, books, boots, hats, trimmings from lawns, trees, shrubs and flower garden cuttings, pasteboard boxes, rags, paper, straw, sawdust, packing material, shaving boxes and all rubbish and refuse that will incinerate through contact with flames or ordinary temperature.
- C. "Contractor" means the person to whom the city council has awarded a contract, or has otherwise authorized to receive, collect, carry, haul, transport and dispose of any and all refuse, garbage, rubbish, waste matter or dirt within the city.
- D. "Garbage" includes and means household refuse and leavings, offal, swill and any accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, birds, fruits and vegetables.

- E. "Noncombustible waste matter" includes and means glass, broken brick, metal vessels, cans, crockery and bottles, stones, ashes, auto parts and all rubbish or refuse that will not incinerate through contact with flames of ordinary temperature. This shall not include any unusually large or weighty items.
- F. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization or the manager, agent, servant, officer or employee of any of them.
- G. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares or other public ways in this city which have been or may hereafter be dedicated or open to public use, or such other public property so designated in any law of this state.
- H. Title of Officers. The title of any officer or employee means such officer or employee of the city.
- I. "Waste matter" includes both combustible and noncombustible waste matter as defined by this section.
- J. "Recyclable material" means glass, newspaper, aluminum, plastics, waste paper, cardboard, tin, and such other reusable materials as the city council may designate by resolution, sorted or commingled and otherwise prepared under rules established by council resolution.
- K. "Refuse container" means a wheeled plastic container having a capacity of one hundred five gallons for storing garbage and provided by the city for the automated collection of garbage.
- L. "Recyclable container" means a wheeled plastic container having a capacity of one hundred five gallons for storing recyclable material as defined by this section and provided by the city for automated collection of recyclable material. (90-16; 82-4; prior code § 11.1)

8.08.020 Collection--Reserved for city or contractor.

The city, in order to more effectually promote and protect the public health and safety and reduce the danger and hazard of fire and conflagrations, reserves unto itself or its licensee or contractor the exclusive right to collect, transport and dispose of, or cause to be collected, transported and disposed of, all garbage and waste matter produced or found within the corporate limits of the city. It is unlawful for any person, except as provided in this chapter, to collect, transport or dispose of any garbage or waste matter within the city, except as provided by this chapter. (Prior code § 11.21)

8.08.030 Collections--Authorization.

The collection, removal and disposal of all garbage and waste matter shall be performed exclusively by the city or its licensee under the supervision of the city manager; provided, however, that any person may engage in the business of collection, removal or disposal of garbage and waste matter, if authorized or licensed to do so by the city pursuant to Section 8.08.040. Nevertheless, person engaged in the business of commercial gardening are authorized to collect, remove and dispose of garden trimmings as incident to such business. (90-25; prior code § 11.11)

8.08.040 Collection--Licensing authority--Bids.

The city council may make or let contracts or enter into agreements or licenses with any persons for the removal of garbage or waste matter. Before any such contract is entered into by the city, bids shall be called for. A notice inviting bids shall be printed once in a newspaper published and circulated within the city. (Prior code § 11.23)

8.08.050 Collection--Licensee's bond.

Each licensee under the provisions of Section 8.08.040 shall give a bond payable to the city, in a sum satisfactory to the city council, conditioned for the faithful performance of the duties imposed by this chapter and the terms of any contract or agreement entered into with the city. (Prior code § 11.24)

8.08.060 Collection--Revocation of license.

Any license issued under the provisions of Section 8.08.040 may be revoked at any time by the council for noncompliance with the terms of this chapter or any agreement entered into. (Prior code § 11.25)

8.08.070 Collection--Vehicle regulations.

A. An person authorized or permitted to collect, remove and dispose of garbage or waste matter within the city and any person conveying garbage collected outside of the city upon or along any public street or alley or other public place in the city shall have a vehicle with a body which shall be watertight and metal lined and constructed so as to prevent the contents from falling or spilling therefrom.

B. In case any person is responsible for the leakage or deposit of garbage or waste matter upon or along any public street or alley or other public place in the city, such person shall pay the costs of removing such garbage or waste matter.

C. Every vehicle used in the collection of refuse, combustible and noncombustible matters shall be well painted, shall be kept in a clean and sanitary condition and shall be properly marked in a conspicuous place to show its classification and number. (Prior code § 11.27)

8.08.080 Collection--Maximum weight for residential pickup.

The maximum weight of refuse collected shall not exceed that equivalent to one cubic yard per residential pickup. (Prior code § 11.17)

8.08.090 Collection--Certain refuse not subject to routine collection.

Refuse not subject to routine collection shall include large discarded appliances, bed springs, logs, stumps, rubble, construction waste, dirt, junked automobiles or solid waste resulting from industrial processes and manufacturing operations. (Prior code § 11.18)

8.08.095 Recycling.

In those areas of the city where recycling service is provided by the city, recyclable materials may be placed at the curb, or where alley collection is provided, at the alley, on the day established by the city manager for collection, or the night before. Recyclable materials shall be placed in containers or bundled in accordance with rules adopted by resolution of the city council. No one other than the owner of the recyclable materials, or the city, or their authorized agents, may remove or interfere with recyclable materials placed for collection. Each violation of this code section shall be an infraction. (82-4)

8.08.100 Collection--Special service charges.

For the collection of such refuse itemized in Section 8.08.090, special service charges at rates to be established by resolution of the city council shall be payable to the city immediately upon presentation of a bill for such services. (Prior code § 11.19)

8.08.110 Collection--Tree trimmings and hazardous waste.

A. Green waste will only be collected in City provided refuse containers. Tree trimmings, tree limbs, tree trunks, and tree stumps will not be collected if they exceed four inches in diameter or three feet in length or weigh more than ten pounds for any one piece.

B. No hazardous waste shall be placed in City provided refuse containers. Hazardous waste shall be handled, stored, and disposed in accordance with state and federal standards. (04-04)

8.08.120 Collection--Number of collections.

The city manager may make such regulations concerning the number of collections and removals of garbage and waste matter as may be necessary to carry out the provisions of this chapter. In no case, however, shall collection be less often than once a week for garbage and waste matter. (Prior code § 11.28)

8.08.130 Collection--Charges--Classes.

The city council shall by uncodified ordinance determine, fix and establish fees or charges to be paid the city for providing and making available a service in the collection and disposal of refuse, garbage and waste matter. Such charges may be established by classification as follows:

A. For single-family dwellings;

B. For all apartment houses, flats, duplexes, bungalow courts and multiple-family dwellings;

C. For commercial establishments, churches, schools and any sources other than residential. (92-9 § 1, 1992: 92-1 § 1 (part), 1992: 89-20 § 2, 1989: prior code § 11.29)

8.08.140 Collection--Fees--Persons to be billed--Exemptions.

The fees established by the city council shall be billed to and paid for by the owner of the premises; provided, however, that the owner shall have the right to reimbursement from the respective occupants for whose benefit the charge is paid. For nonresidential uses such as commercial establishments, churches, schools, etc., such fees may be billed to and paid for by the proprietor or occupant thereof. All owners of places and premises in the city are made liable for the fees as prescribed by this chapter, except upon special exemption by the city council. (77-33; 75-4; prior code § 11.30)

8.08.150 Collection--Fees--Billing period--Delinquent penalty.

All fees for the collection of garbage and combustible and noncombustible waste matter may be billed on a monthly or quarterly basis and shall be payable upon presentation date at the cashier's window and may be combined with statements for other services.

In accordance with California Government Code Section 54348, a penalty for delinquent payment or nonpayment of sanitation service charges may be established at a rate determined by the city council provided that the maximum rate shall be that permitted under Government Code Section 54348, as it may be amended from time to time. The city council shall establish the rate of the penalty fee by resolution after first holding a public hearing. The city's financial services department shall be charged with administering and collecting the penalty. (95-05; prior code § 11.31)

8.08.160 Collection--Delinquent accounts--Hearing--Costs to become lien when.

Any fees authorized pursuant to Sections 8.08.130, 8.08.150 and 12.36.010 which remain unpaid for a period of six or more months after the date upon which they were billed may be collected thereafter by the city as provided as follows:

A. The city council shall cause a report of delinquent rubbish and sewer fees to be prepared periodically. The council shall fix a time, date and place for hearing the report and any objections or protests thereto.

B. The council shall cause notice of the hearing to be mailed to landowners listed on the report not less than fourteen days prior to the date of the hearing.

C. At the hearing the council shall hear any objections or protests of land owners liable to be assessed for delinquent fees. The council may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

D. The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees plus late charges and cost of lien. A certified copy of the confirmed report shall be filed with the city clerk, or auditor appointed by the city council, for the amount of the respective assessments against the respective parcels of land as they appear on the current assessment role. The lien created attaches upon recordation, in the office of the county recorder, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary city ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of city ad valorem property taxes shall be applicable to such assessment. (95-05; 78-20; prior code § 11.31-1)

8.08.180 Receptacles--Location.

The city with its own employees or a duly authorized contract agent shall collect and remove, from all places and premises in the city, all garbage and waste matter which are contained in receptacles placed along the street curb in front thereof, or along the alley in the rear thereof, depending upon whether the prescribed route is along the street or alley, except as may be otherwise provided in Section 8.08.300. (Prior code § 11.11)

8.08.190 Receptacles--Backyard collection.

The city council may by resolution direct the backyard collection of refuse in which event all garbage and waste matter receptacles shall at all times be located at the nearest accessible place for removing and emptying the same, but shall not be placed along the curb of any street within the corporate limits of the city. "Nearest accessible place" shall be defined as the side of an alley if the property adjoins an alley, or a distance within twenty-five feet of the rear of the house if the property does not adjoin an alley. (Prior code § 11.12)

8.08.200 Receptacles--Manner and time of placement.

No person shall place any garbage receptacles in any public street or alley at any place or in any manner other than as provided in this chapter or at any time other than on the day established by the city manager for the collection of such materials on the particular route, or on the preceding night, or permit such a receptacle to remain thereon for more than twelve hours after it has been emptied.

(84-19; prior code § 11.13)

8.08.210 Receptacles--Authorized persons to move.

No person other than the owner thereof, or any officer, employee or licensee of the city shall move, remove or interfere with any garbage or waste matter receptacle or the contents thereof.

(Prior code § 11.14)

8.08.220 Garbage and solid waste.

All refuse and recyclable receptacles shall be kept in a clean and sanitary condition by the person using the same. (04-04)

8.08.230 Receptacles--Covering required.

Garbage and waste matter receptacles shall be kept tightly covered at all times, except as noted in Section 8.08.220 or when garbage and waste matter is being deposited therein or removed therefrom and shall at all times be proof against access by flies to the contents thereof. (Prior code § 11.16)

8.08.240 Dumping or burying garbage prohibited.

No person shall dump, place or bury in any lot, land or street within the city, any garbage, waste matter or any other deleterious or offensive substance; provided, however, that this section shall not apply to any land used by the city for a disposal site, or to lawful composting as described in Section 8.08.255.

(92-7; prior code § 11.2)

8.08.250 Garbage accumulations prohibited.

No person owning or occupying any building, lot or premises in the city shall allow any garbage or waste matter to accumulate, collect and remain open upon such lot or premises. This provision shall not be construed as interfering with building under a building permit during the course of construction and within a reasonable time thereafter, or wood neatly piled for kitchen or household use, or lawful composting as described in Section 8.08.255. (92-7; prior code § 11.3)

8.08.255 Composting permitted.

A. Notwithstanding any other provision of this chapter, it is lawful to compost yard wastes, including grass clippings, leaves, plant trimmings, wood ashes, and vegetable kitchen scraps (but not including other household refuse or animal wastes) if the following conditions are met:

1. Compost piles or containers are located in the rear or side yard, not visible from a public street, and no greater than five feet in height;
2. The compost piles or containers are at least five feet from the property line or separated from adjacent property by a solid wall;
3. Compost piles are maintained so that they do not generate an offensive odor or harbor rodents;
4. The maximum size of any pile or container is five feet in height by five feet in width by five feet in length; and
5. The compost is enclosed, screened or otherwise maintained to minimize insects or pests. The pile or container shall not permit surface run-off or leachate to another property.

B. The director of community services may authorize for educational purposes the creation of a composting demonstration area visible to the public at a city park or other facility.

C. No composting shall be permitted at any location where it is determined to be a fire hazard by the Los Angeles County fire department. (92-7)

8.08.260 Storing garbage accessible to rats prohibited.

It is unlawful to store, deposit or keep garbage in a place accessible to rats. (Prior code § 11.5)

8.08.270 Burning garbage prohibited--Exception.

It is unlawful to burn garbage within the city except in incinerators of a type approved in writing by the city engineer and the health officer. (Prior code § 11.6)

8.08.280 Burning waste matter prohibited--Exception.

A. No waste matter shall be burned within the city except as permitted by the fire chief; provided, however, that paper may be burned without a permit in an incinerator designed, constructed and installed in accordance with the rules and regulations of the fire department.

B. No waste matter shall be burned which shall, in burning cause or create a dense or offensive smoke or odor. (Prior code § 11.7)

8.08.290 Conveyance of garbage prohibited--Exception.

No person shall remove or convey or cause or permit to be removed or conveyed any garbage upon or along any public street or alley or other public place in the city; provided, however, that the provisions of this section shall not apply to any person in the employ of the city who shall be assigned by the city manager to the work of garbage removal or to any person with whom the city has entered into a contract for the collection, removal or purchase of garbage or to any employee of such contractor during such time as such contract shall be in force or to any person conveying garbage collected outside of the city. (Prior code § 11.26)

8.08.300 Disputes and complaints.

A. In all cases of disputes or complaints concerning the place where garbage, combustible or noncombustible receptacles shall be placed while waiting for the removal of their contents, where the same is not specifically fixed by this chapter, the city manager shall immediately designate the place, and his decision shall be final.

B. In all cases of disputes or complaints concerning the rates of collection fees to be charged when the same are not specifically fixed by this chapter, the city manager shall immediately fix and designate the collection fee to be charged and his decision shall be final. (Prior code § 11.8)

8.08.310 Enforcement of provisions--Right of entry.

All members of the police department and the health office are specifically required to enforce the provisions of this chapter and shall have the right to enter any and all premises for the purpose of determining the sanitary conditions thereof. In the event that entry is denied to the officer, he shall apply for the issuance of a warrant of inspection and show cause for the desired inspection. (77-32; prior code § 11.9)

8.08.320 Disposal by producers of waste matter.

Nothing contained in this chapter shall be construed to prohibit any producer of combustibles or noncombustibles, except garbage, from hauling to and dumping the same at the dump site located outside of the city limits but in accordance with the fee payment provisions as established hereinbefore. All garbage, etc., shall be hauled out and disposed of outside the corporate limits of the city. (Prior code § 11.32)

Chapter 8.12

WEEDS AND RUBBISH

Sections:

8.12.010 Weeds and rubbish declared nuisances.

8.12.020 Abatement--Notice--Costs to become lien when.

8.12.010 Weeds and rubbish declared nuisances.

It is unlawful for any person to permit the sidewalk, curb or space between the sidewalk and curb in front of the premises owned, occupied or controlled by him, or any part thereof, to become overgrown with grass or weeds, or covered with rubbish, garbage or other waste matter, and all such growth of grass or weeds and deposits of rubbish, garbage and other waste matter are declared to be public nuisances. (Prior code § 11.33)

8.12.020 Abatement--Notice--Costs to become lien when.

The superintendent of streets shall, in writing, notify all persons violating this chapter to remove, within ten days after notice given as provided in this chapter, all weeds, grass, obstructions or deposits made or suffered by such persons in violation of this chapter. Such notice shall be given by person service on the occupant of such premises where there is one, or in cases where there is no occupant, by personal service upon any owner or person having control thereof residing in the city and known to the superintendent of streets. In cases where a known owner or controller of such premises resides outside the city, the notice shall also be given by mailing a copy thereof to such person and in all cases where there is no occupant or owner of such property known to the superintendent of streets, the notice shall be given by posting for at least ten days a copy thereof in a conspicuous place on the premises. The superintendent of streets shall, after giving such notice as aforesaid, at the expiration of the time fixed by the notice, remove any and all weeds, grass, obstructions and deposits prohibited by this chapter and specified in such notice from the lot or parcel of land, sidewalk, street, alley or other public place where any such person may have deposited or suffered the same to exist, and deposit the same in any suitable and proper place that has been or may be provided for the reception of city refuse of garbage. The reasonable value of the service of the superintendent of streets in preparing and serving notices as aforesaid and removing the weeds, grass, obstructions or deposits and costs of any suit shall be a recoverable charge against the owner of the premises on which or in front of which the weeds, grass, obstructions or deposits existed, and shall also be a lien on the premises, and shall be recovered by action in the name of the city either against such person or against such property. In such action the sum of twenty-five dollars shall be recovered as costs by the city, for attorney's fees in the action. In case such property is sold either under execution in a personal action or in a suit to foreclose such lien, enough of the proceeds shall be paid into the city treasury to satisfy the lien and costs, and the overplus, if any is paid to the owner of the premises and if he is not known, then into the city treasury for the use of such owner when ascertained. (Prior code § 11.34)

Chapter 8.16

PUBLIC NUISANCES

Sections:

- 8.16.010 Definitions.
- 8.16.020 Declaration of a public nuisance.
- 8.16.030 Notification to property owner.
- 8.16.040 Voluntary abatement of nuisances.
- 8.16.050 Failure to voluntarily abate a declared nuisance.
- 8.16.060 Notice of intention to abate the public nuisance--Hearing.
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- 8.16.080 Service of notices and orders.
- 8.16.090 Hearing by the city manager.
- 8.16.100 Hearing procedures.
- 8.16.110 Decision of the city manger on the abatement of a public nuisance.
- 8.16.112 Alternative Process.
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- 8.16.120 Service of the abatement order.
- 8.16.130 Voluntary abatement after order finding and ordering the abatement of a public nuisance.
- 8.16.140 Abatement by the city.
- 8.16.150 Demolition.
- 8.16.160 Notice of intent to demolish.
- 8.16.170 Record of expenses and costs for abatement.
- 8.16.180 Hearing on the cost of abatement.
- 8.16.190 Assessment of costs against property.
- 8.16.200 Violations.
- 8.16.210 Grievance with final order--Appeals to city council.
- 8.16.220 Limitation of filing judicial action.
- 8.16.230 Alternatives.
- 8.16.240 Treble damages.
- 8.16.250 Emergency abatement.
- 8.16.260 Director of community development--Authority.

8.16.010 Definitions.

As used in this chapter:

- A. "Building" or "structure" means and includes, in addition to any building or structure on such property, fences, walls, billboards and any other manmade device included within the legal boundaries of the property under consideration.
- B. "City manager" means the city manager or his/her designee.
- C. "Director or community development" means the director of community development or his/her designee.
- D. "Owner" means any person(s) shown as the property owner on the latest equalized property tax assessment roll. For purposes of this chapter, an owner shall also include a person having charge or control of real property as a tenant, co-tenant, lessee, sub-lessee, or any other person with any right to possession of real property, or a contractual obligation to lease or maintain real property, where a public nuisance exists on such real property.
- E. "Property" means and includes all land, buildings, and structures situated within the boundaries determined by the legal description of the property under consideration. (98-13; 90-8)

8.16.020 Declaration of a public nuisance.

- A. A public nuisance is created by every building or structure which:
 - 1. Has become dilapidated, dangerous or at risk of collapse resulting from decay, damage, faulty construction or arrangement, fire, wind, earthquake, flood, old age or neglect;
 - 2. Is a breeding place for rodents or vermin;

3. Is likely to shelter vagrants;
 4. Has been abandoned, partially destroyed, boarded up, or permitted to remain unreasonably in a state of partial construction;
 5. Allows easy access into a vacant structure through any doorway, window, or other opening because of the failure to close and secure by lock, and fails to protect against such entry without the use of substantial force;
 6. Is unsafe;
 7. Is left unpainted or which has paint deterioration, dry rot, warping, or lack of weather protection; or
 8. Has graffiti or other words, letters, or drawings which remain on the exterior of any building or structure and which are visible from a public street, for thirty (30) days or more and for which a sign permit has not been issued.
- B. A public nuisance is created by any condition or use of a building, structure or property which is detrimental to the property of others. This includes, but is not limited to:
1. Any condition of property that would be classified as a detrimental or unsightly condition pursuant to Chapter 16.154, Section 16.154.060 of the Claremont Municipal Code;
 2. Violation of any condition of a conditional use permit;
 3. Clothes lines, or clothes hanging in front yards, front porches, balconies, or fences which are visible from a public street;
 4. Trash, garbage, or refuse cans, bins, boxes, or other such containers stored in front or side yards and are visible from a public street;
 5. Overgrown vegetation which is likely to harbor rodents or vermin or which obstructs the necessary view of drivers on public streets or private driveways;
 6. Any use of property which creates a noxious smell or creates conditions dangerous to public safety, health or welfare, adjoining properties, property owners, or property values;
 7. Attractive nuisances dangerous to children and visible from a public street including, but not limited to, abandoned, broken or neglected equipment, machinery, refrigerators and freezers.
 8. Property where construction activities have been initiated and no visible progress in the construction has been made in 90 days or more, and where any one of the following conditions exist:
 - a. Construction equipment and/or materials are being stored in an area visible from the street; or
 - b. Landscaping has been damaged and has not been repaired, and/or is not being maintained; or
 - c. Tarps and other temporary materials are being used to protect a structure or building from the elements; or
 - d. Windows or other openings in a structure are boarded up; or
 - e. A structure is left in a state of partial construction with exposed framing, missing windows or doors, incomplete roofing, or unfinished exterior materials; or
 - f. Construction has left exposed foundations, footings, concrete slabs, or flooring systems without structures, or
 - g. Pools, spas, or ponds remain in an incomplete state, and/or which lack required fencing and other required safety devices. (04-04)
- C. A public nuisance is created by any building, structure, or property that is in violation of any provision of the Claremont Municipal Code, or the statutes of the state of California.
- D. A public nuisance is created by any signs or billboards that are unsafe, unused, obsolete or illegal. (90-8)
- E. A public nuisance is created by any overflow of sewage from private sewer laterals or the public sewer system as a result of a blockage of hardened waste cooking oil and grease. (10-06)

8.16.030 Notification to property owner.

Whenever the Director of Community Development finds, upon the recommendation of an authorized representative of the Community Development Department, that a nuisance, as defined by Section 8.16.020, exists on any property located within the city, he or she shall serve a notice of violation on the owner of the property on which the nuisance is located in accordance with Section 8.16.080, and direct that the nuisance be abated. The notice shall describe the nuisance and establish a reasonable period of time, which shall not be less than ten (10) days, within which the nuisance shall be abated or corrected. Alternatively, a code or law enforcement officer of the City of Claremont may issue an Administrative Citation pursuant to Chapter 1.14 of this code and provide the owner or responsible person or party with a reasonable period of time to abate the alleged nuisance. (08-16)

8.16.070 Authority to enter upon land.

The director of community development may enter upon the land for the purpose of posting or serving notice required by this chapter. (90-8)

8.16.080 Service of notices and orders.

Service of notices and orders required under this chapter shall be made by posting a notice in a conspicuous place on or in front of the property in question and by either one of the following methods:

- A. By personal service on the owner(s); or,
- B. By registered or certified mail addressed to the owner(s) of the property at their last-known address. If there is no known address for the owner, lessee, occupant and other person having charge or control of the property, the notice shall be sent to the property address. Service shall be completed at the time of deposit into the United States mail. (90-8)

8.16.090 Hearing by the city manager.

At the time and place stated in the notice of hearing on the abatement of a public nuisance, issued pursuant to Section 8.16.060, the city manager shall hear and consider all relevant evidence, objections, or protests, and shall receive sworn testimony of owners, witnesses, city personnel, and interested persons relative to such alleged public nuisance and to any proposed abatement measures. The hearing may be continued from time to time. (90-8)

8.16.100 Hearing procedures.

All hearings held pursuant to this chapter shall be recorded by a video or audio-recording device unless the city chooses to use a court reporter. The hearings need not be conducted according to technical rules of evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action in a California court of competent jurisdiction. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action. Oral evidence shall be taken only on oath or affirmation. Irrelevant and unduly repetitious evidence shall be excluded. (90-8)

8.16.110 Decision of the city manager on the abatement of a public nuisance.

Following the hearing on the abatement of a public nuisance, the city manager shall consider all evidence and determine whether the property, in whole or in part, or any building or structure thereon, constitutes a public nuisance as alleged. If the city manager finds that a public nuisance does exist and that there is sufficient cause to exist and that there is sufficient cause to abate the nuisance, the city manager shall make a written order entitled "order finding and ordering the abatement of a public nuisance." Said order shall set forth those findings, and order the owner to abate the nuisance. The order shall further inform the owner that the administrative and incidental costs and expenses incurred so far in abating the nuisance, and which are proved in accordance with Section 8.16.180, shall be assessed against the property and result in a lien until paid. The order shall also specifically direct the owner to abate the nuisance by rehabilitation, repair, or demolition in the manner set forth in the order. The order shall state that if the nuisance is not abated, it will be removed and abated by the city. The order shall state that the additional costs and expenses of removal and abatement by the city, including any additional administrative and incidental expenses, together with interest on the entire amount owing, will also be assessed and result in a lien upon the property until paid. The order shall set forth the time within which the work shall be commenced and completed. The order shall inform the property owners of their right to appeal the order ordering liability for incidental and administrative expenses incurred thus far, and ordering the abatement of a public nuisance, to the city council pursuant to Section 8.16.210. (90-8)

8.16.112 Alternative process.

In addition to being granted the authority to issue an “order finding and ordering abatement of a public nuisance,” the City Manager shall also be authorized to impose an administrative fine and/or penalty pursuant to Chapter 1.14 of this code. (98-13)

8.16.113 Repeat offenses.

Where the City Manager in a previous nuisance abatement hearing ordered the abatement of a public nuisance and provided that no recurrence of the nuisance shall occur within twenty-four (24) months of the date the order is issued, and the person to whom the order is issued fails to prevent the nuisance from recurring within the twenty-four (24) month period, the city manager may issue a subsequent abatement order and assess the person for the City’s administrative and incidental costs incurred in reissuing the order. The order shall be a written order containing the same information required by Section 8.16.110. The person to whom the subsequent abatement order is issued may appeal the order in accordance with the appeal process provided for in this chapter. (98-13)

8.16.120 Service of the abatement order.

The city manager's order finding and ordering the abatement of a public nuisance shall be served upon the property owner, in accordance with Section 8.16.080. (90-8)

8.16.130 Voluntary abatement after order finding and ordering the abatement of a public nuisance.

The property owner may, at his own expense, remove and abate the nuisance as prescribed by the order prior to the expiration of the abatement period set forth in the order. If the property has been inspected by a representative of the community development department and the nuisance has been abated in accordance with the order, the director of community development shall not remove or abate the nuisance but may schedule a hearing pursuant to Section 8.16.080 to determine the administrative and incidental costs and expenses incurred so far in abating the public nuisance. (90-8)

8.16.140 Abatement by the city.

If a declared nuisance is not completely abated within the time prescribed in the city manager's order finding and ordering the abatement of a public nuisance, the director of community development is authorized and directed to abate the nuisance by city forces or private contract in accordance with law. Furthermore, the director of community development is expressly authorized to enter upon the premises for the purpose of removing and abating the nuisance. A search warrant shall be obtained prior to any entry if the nuisance is not located in an open area or if the nuisance is not sizeable without an intrusion into privacy. (90-8)

8.16.150 Demolition.

No building found to be a public nuisance shall be ordered demolished if it was built in accordance with the laws in effect at the time of construction unless it is found that, in fairness and in justice, there is no reasonable way other than demolition to correct such nuisance. (90-8)

8.16.160 Notice of intent to demolish.

A copy of any order finding and ordering the abatement of a public nuisance, that requires abatement of a public nuisance, that requires abatement by demolition of any habitable structure or any building with a floor, four walls, a roof and which is larger than one hundred twenty square feet shall be immediately recorded with the county recorder. (90-8)

8.16.170 Record of expenses and costs for abatement.

A. The Community Improvement Coordinator shall keep an account of the expenses and costs of removing and abating the nuisance on each separate lot or parcel of land where the work is done, and shall render a written, itemized report to the Director of Community Development, showing the costs and expenses of abating the nuisance including the city’s incidental and direct administrative expenses, less any salvage value relating thereto.

B. The Director of Community Development shall review the report and determine the correctness and reasonableness of such expenses and costs.

C. If approved by the Director of Community Development, the Community Improvement Coordinator shall serve the itemized report and invoice for the total cost indicated in the report, on the owner of the property, in accordance with Section 8.16.080. The owner shall pay the amount indicated on the invoice within thirty (30) days of the date indicated on the invoice. The owner shall have the right to request a hearing on the cost of abatement of the public nuisance within fifteen (15) days of the date indicated on the invoice provided pursuant to this section. The request for a hearing shall be submitted to the Community Development Department in writing. The failure to request a hearing as provided in this section shall constitute a waiver of the right to a hearing and the City shall have the right to collect the costs and, if such costs are not paid, to assess such costs against the parcel to which the report relates in accordance with this chapter.

D. The term "incidental expenses" or "expenses" shall include, but shall not be limited to the actual expenses and costs of the city in preparing notice, specifications, and contracts, in inspecting the work, legal fees, and other related costs. (08-16)

8.16.180 Hearing on the cost of abatement.

If the owner of the property requests a hearing in accordance with Section 8.16.170(C), the Director of Community Development shall schedule the hearing and shall give notice of the time, date, and place of the hearing that shall be held by the City Manager on cost of abatement of the public nuisance. The hearing on the cost of abatement of the public nuisance may be continued to a later specified date either by agreement or by written notice from the Director of Community Development. At the time and place fixed for the hearing, the City Manager shall hear and consider the report of the costs and expenses of abatement, together with any objections or protests. The City Manager may make any revision, correction, or modification in the report as he/she deems just, after which the report, as submitted or modified, shall be confirmed. The decision of the City Manager shall be final, subject only to an appeal pursuant to Section 8.16.210. The City Manager shall serve a copy of his/her order entitled "order determining the cost of abatement of the public nuisance" upon the property owner. This notice shall inform the recipients of their right to appeal the determination of costs to the city council pursuant to Section 8.16.210. (08-16)

8.16.190 Assessment of costs against property.

The order determining the cost of abatement of the public nuisance shall constitute a special assessment against the respective parcel of land to which it relates and, upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the property for the amount of the assessment.

A. After confirmation and recordation, a copy of the lien shall be filed with the assessor and tax collector of the county, in order that the county assessor may add the amounts of the assessments to the next regular tax bill levied against the respective parcel and, thereafter, the amounts shall be collected at the same time and in the same manner as provided for ordinary municipal taxes, and shall be subject to the same procedure for foreclosure and sale in case of delinquency;

B. After recordation, the lien may also be foreclosed by judicial or other sale in the manner and means provided by law;

C. Such notice of lien for recordation shall be in substantially the following form:

NOTICE OF LIEN
(Claim of City of Claremont)

Pursuant to authority granted by the City of Claremont Municipal Code, the director of community development on or about _____, _____, caused a public nuisance on the real property, hereafter described, to be abated; the City of Claremont, on _____, _____, assessed the expenses and costs of abating the public nuisance upon the real property, hereafter described; the City of Claremont does hereby claim a lien for abating the public nuisance in the amount of the assessment: the sum of \$____. This assessment shall be a lien upon the real property until paid in full and discharged of record.

The nuisance that was abated was:

The real property upon which a lien is claimed is located in the City of Claremont, County of Los Angeles, State of California, and is described as follows: (LEGAL DESCRIPTION)

Dated: This ___ day of _____, ____.
_____ of the City of Claremont, California
(NOTARIAL ACKNOWLEDGEMENT) (90-8)

8.16.200 Violations.

- A. No owner, lessee, occupant, or other person having charge or control of any property shall fail to comply with any order of abatement served as provided in this chapter.
- B. No person shall remove any notice or order posted as required by this chapter.
- C. No person shall obstruct, impede, or interfere with any representative of the city, or with any person who owns, leases, or occupies property, when any of them are lawfully engaged in proceedings required under this chapter. (90-8)

8.16.210 Grievance with final order--Appeals to city council.

- A. An owner, occupant, or other party who has a legal or equitable interest in the property may appeal the final order of the city manager finding and ordering the abatement of a public nuisance pursuant to Section 8.16.110. Said appeal must be in writing and must be filed with the city council no later than ten days from the date of the service of the city manager's order. After ten days from the date of service of the city manager's order finding and ordering the abatement of a public nuisance, the order is deemed final and may no longer be appealed.
- B. An owner, occupant, or other party who has a legal or equitable interest in the property may appeal the final order of the city manager determining the cost of abatement. Said appeal must be in writing and must be filed within ten days from the date of service of the city manager's order. Unless the written appeal is filed within ten days from the date of service of the city manager's order, the order determining the costs of abatement is final. Also, unless a timely appeal was filed pursuant to subsection (A) of this section, this appeal is limited to evaluating the fairness and accuracy of determining the costs of abatement pursuant to Section 8.16.180.
- C. All written appeals shall be filed in triplicate with the city clerk and shall state the grounds for such appeal and the specific factual and/or legal errors committed by the city manager in issuing either the order finding and ordering the abatement of a public nuisance or the order determining the cost of abatement. Any appeal shall contain:
 - 1. A specific identification of the subject property;
 - 2. The names and addresses of all appellants;
 - 3. A statement of appellant's legal interest in the subject property;
 - 4. A statement, in ordinary and concise language, of the specific order or action protested and the grounds for appeal, together with all supporting material facts;
 - 5. The date and signatures of all appellants; and
 - 6. The verification of at least one appellant as to the truth of the matters stated in the appeal.
- D. The city clerk shall then transmit one copy each of the written appeal to the city manager and the director of community development.
- E. No later than twenty-one days from the date of the city manager's receipt of the written appeal, he/she shall transmit to the city council the records of all hearings and copies of all papers submitted, and orders given. The city manager shall also submit a written report, stating the factual and legal basis upon which the city manager reached his/her decision.
- F. Within forty-five days from the date of the city manager's receipt of the written appeal, the city council shall, after review of the entire record, the city manager's report, and appellant's written appeal, and without further hearings on the matter, issue a resolution affirming, reversing, or modifying, in whole or in part, either the order finding and ordering the abatement of a public nuisance or the order determining the cost of abatement. Such resolution shall be served upon the owners, or other appellants in accordance with Section 8.16.080 and shall inform the appellants of their right to file a judicial action to appeal said decision within thirty days pursuant to Section 8.16.220. The decision of the city council shall be final.
- G. On the date a written appeal is filed under this section, all proceedings in furtherance of the order appealed from shall be stayed until the final determination by the city council of the appeal, unless the director of community development finds that conditions on the property constitute an

immediate threat to the health, safety or welfare of persons or property and must be abated immediately. (90-8)

8.16.220 Limitation of filing judicial action.

An owner or other person who has an interest in the property aggrieved at any proceeding taken on appeal by the city council in affirming, reversing or modifying in whole or in part either the order finding and ordering the abatement of a public nuisance or the order determining the cost of abatement must bring judicial action to contest such decision within thirty days after the date of such decision of the city council. Otherwise, all objections to such decision shall be deemed waived. (90-8)

8.16.230 Alternatives.

Nothing in this chapter shall prevent the city council from ordering the city attorney to commence a civil or criminal proceeding to abate a public nuisance as an alternative to the proceedings set forth in this chapter. (90-8)

8.16.240 Treble damages.

Upon the entry of a second or subsequent civil or criminal judgment against the owner of property which constitutes a nuisance as set forth in this chapter, within a two-year period, the city attorney is authorized to seek three times the amount of abatement costs in any such judgment. (90-8)

8.16.250 Emergency abatement.

Whenever the director of community development, or designee, finds that conditions on a parcel of property constitute an immediate threat to the health, safety, or welfare of persons or property, then the director of community development or designee may order the summary abatement of the conditions constituting the threat without the notice or hearing described in Sections 8.16.060 and 8.16.090. A record of and a hearing to confirm the expenses and costs of abatement shall be held pursuant to Sections 8.16.070 and 8.16.180. (90-8)

8.16.260 Director of community development--Authority.

The director of community development, or designee, is designated as the proper city official to remove nuisances and vehicles or parts thereof considered abandoned within the city limits. For this purpose, the city official is vested with the powers, rights, and duties of the county engineer and hearing officer referred to in the Uniform Building Code, Chapters 98 and 99, and the California State Vehicle Code, Section 22660. (90-8)

Chapter 8.17

REGISTRATION AND MAINTENANCE OF ABANDONED PROPERTIES

Sections:

8.17.010	Purpose
8.17.020	Definitions
8.17.030	Duty to Record Assignment of Rents
8.17.040	Registration
8.17.050	Maintenance Requirements
8.17.060	Security Requirements
8.17.070	Additional Authority
8.17.080	Fees
8.17.090	Enforcement
8.17.100	Appeals
8.17.110	Joint and Several Liability

8.17.010 Purpose

It is the intent of the City Council, through the adoption of this chapter, to establish a mechanism to protect residential neighborhoods from becoming blighted through the lack of maintenance and security of abandoned properties; to establish an abandoned property registration program and to set forth guidelines for the maintenance of abandoned properties. (08-17)

8.17.020 Definitions

Certain words and phrases in this chapter are defined, when used herein, as follows:

ABANDONED. Any residential building, structure or real property that is vacant or shows evidence of vacancy, and (1) is subject to a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessors Lien Sale and/or (2) is the subject of a foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust, and/or (3) was conveyed to the current owner under a deed in lieu of foreclosure/sale.

ABATEMENT ORDER. A "Notice of Violation and Order to Abate" issued pursuant to 8.16.030 and/or a Hearing Officer's "Order to Abate" issued pursuant to section 8.16.110.

ACCESSIBLE PROPERTY. Real property that is accessible to the public, either, in general or through an open and unsecured door, window, gate fence, wall, etc.

ACCESSIBLE STRUCTURE. A building or structure that is not secured or is open in such a way as to allow public or unauthorized access to the interior.

ADMINISTRATIVE PENALTY PAYMENT DUE DATE. The date that is the tenth (10th) day after the issuance of an Abatement Order, a notice of violation issued pursuant to Section 8.16.030 or a final order by the City Council pursuant to Section 8.16.210, if any.

AGREEMENT. Any written instrument that transfers or conveys title to residential real property from one owner to another after a sale, trade, transfer or exchange.

BENEFICIARY. A lender participating in a real property transaction that holds a secured interest in the real property in question identified in a deed of trust.

BUYER. Any person, partnership, association, corporation, fiduciary or other legal entity that agrees to transfer anything of value in consideration for real property *via* an Agreement.

DANGEROUS BUILDING. Any building or structure reasonably deemed by authorized City staff to represent a violation of any provision specified in the Claremont Municipal Code Chapter 15.05.

DAYS. Calendar days.

DEED OF TRUST. An instrument whereby an owner of real property, as trustor, transfers a secured interest in the real property in question to a third party trustee, as security for a loan issued in the context of a real property transaction. This definition applies to any and all subordinate deeds of trust *i.e.*, 2nd trust deed, 3rd trust deed, *etc.*

DEED IN LIEU OF FORECLOSURE. A recorded instrument that transfers ownership of property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

DEFAULT. The material breach of, or failure to fulfill, a legal or contractual duty arising from or relating to a deed of trust.

DISTRESSED. Any building, structure or real property that is subject to a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessors Lien Sale and/or any real property conveyed *via* a foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust, and/or any real property conveyed *via* a deed in lieu of foreclosure/sale, regardless of vacancy.

ENFORCEMENT OFFICIAL. The City Manager, the Building Official, and/or any employee or agent of the City of Claremont designated and/or charged with enforcing this Code, including but not limited to applicable codes adopted by reference therein.

EVIDENCE OF VACANCY. Any real property condition that independently, or in the context of the totality of circumstances relevant to that real property would lead a reasonable enforcement official to believe that a property is vacant or occupied by a person without a legal right of occupancy. Such real property conditions include but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; and/or statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

FORECLOSURE. The process by which real property subject to a deed of trust is sold to satisfy the debt of a defaulting trustor, *i.e.*, borrower.

LOCAL. Within forty (40) driving miles of the subject building, structure or real property.

NEIGHBORHOOD STANDARD. The condition of real property that prevails in and through the neighborhood where an abandoned building, structure or real property is located. When determining the neighborhood standard no abandoned or distressed building, structure or real property shall be considered.

NOTICE OF DEFAULT. A recorded instrument that reflects and provides notice that a default has taken place with respect to a deed of trust, and that a beneficiary intends to proceed with a trustee's sale.

NOTICE OF TRUSTEE'S SALE. A document prepared and recorded by the trustee that sets forth the day, date and time of the trustee's sale, describes the property to be sold, and gives an estimate for the unpaid debt on the deed of trust secured by the property.

OUT OF AREA. In excess of forty (40) road or driving miles of the subject building, structure or real property.

OWNER. Any person, partnership, association, corporation, fiduciary or other legal entity having a legal or equitable title or any interest in real property.

OWNER OF RECORD. Any person shown as the owner of land on the last equalized assessment roll produced by the Los Angeles County Recorders Office.

PROPERTY. Any unimproved or improved real property designed or permitted to be used for residential or dwelling purposes, or portion thereof, including but not limited to building or structures located on said real property, regardless of condition.

RESIDENTIAL BUILDING. Any improved real property, or portion thereof, designed or permitted to be used for dwelling purposes, including buildings and structures located on such improved real property. This includes any real property being offered under any circumstances for sale, trade, transfer, or exchange as “residential,” whether or not said property is legally permitted and zoned for such use.

SECURE. Such measures as may be directed by an enforcement official that assist in rendering real property inaccessible to unauthorized persons, including but not limited to repairing fences and walls, chaining/pad locking gates, the repairing or boarding of doors, windows or other openings. Such measures shall be implemented in conformance with all applicable standards of the United States Department of Housing and Urban Development.

TAX ASSESSOR’S LIEN SALE. The sale, conducted by the Assessor of Los Angeles County of tax liens for delinquent taxes on the property.

TRUSTEE. Any person, partnership, association, corporation, fiduciary or other legal entity holding a Deed of Trust securing an interest in real property for the benefit of the beneficiary.

TRUSTOR. Any owner/borrower identified in a deed of trust, who transfers an interest in real property to a trustee as security for payment of a debt by that owner/borrower.

VACANCY. Any building, structure or real property that is unoccupied or occupied by a person without a legal right of occupancy. (08-17)

8.17.030 Duty to record instrument for property transfer

Within ten (10) days of a property transaction involving a change in the identity of an owner or the owner of record, or alternatively a transfer/assignment of a loan or deed of trust secured by residential property, each beneficiary and trustee engaged in said transaction or transfer/assignment shall record, with the Los Angeles County Recorder’s Office, an instrument evidencing such transaction, transfer or assignment. This instrument shall reflect the identity, mailing address and telephone number of the trustee and beneficiary responsible for receiving payments associated with the loan or deed of trust in question. This duty/obligation shall be joint and several among and between all trustees and beneficiaries and their respective agents. (08-17)

8.17.040 Registration

(A) Each beneficiary and trustee, who holds a deed of trust on a property located within the City of Claremont, shall perform an inspection of the property that is security for the deed of trust upon default by the trustor prior to recording a Notice of Default or similar instrument with the Los Angeles County Recorders Office.

(B) If such inspection shows that the property is abandoned, the owner, beneficiary or trustee shall, within ten (10) days of the inspection register the property with the City’s Community Improvement Office on forms provided by the City.

(C) If the property is occupied but distressed, the trustee and beneficiary or a designee shall inspect the property on a monthly basis until:

- (1) the trustor or another party remedies the default; or
- (2) the property is found to be vacant or shows evidence of vacancy, deemed abandoned and registered subject to section 8.17.040(B).

(D) The registration required pursuant to section 8.17.040(B) shall contain the identity of the beneficiary and trustee, the direct mailing address of the beneficiary and trustee and, in the case of a corporate or out of

area beneficiary or trustee, the local property management company, if any, responsible for the security, maintenance and marketing of the property in question.

(E) The registration pursuant to section 8.17.040(B) shall be renewed annually.

(F) This section shall also apply to properties that have been the subject of a foreclosure sale wherein title has been transferred to the beneficiary of a deed of trust involved in the foreclosure, and to any properties transferred under a deed in lieu of foreclosure.

(G) Properties subject to this chapter shall remain subject to the annual registration requirement, security and maintenance standards of this chapter as long as they remain vacant and/or abandoned.

(H) Any person, partnership, association, corporation, fiduciary or other legal entity that has registered a property under this chapter must make a written report to the City's Community Improvement Division of any change of information contained in the registration within ten (10) days of the change. (08-17)

8.17.050 Maintenance requirements

It is declared a public nuisance for any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any abandoned property to cause, permit, or maintain any property condition contrary to any provision of this chapter. The following maintenance standards shall apply to any abandoned property.

(A) Any abandoned property shall be maintained in compliance with the requirements of this chapter and chapter 8.16.

(B) Abandoned property shall be kept free of weeds, dry brush, dead vegetation, excessive foliage growth, trash, junk, debris, building materials, any accumulation of newspaper, circular flyers, notices (except those required by federal, state or local law), discarded personal items including but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

(C) Abandoned property shall be maintained free of graffiti, tagging or similar marking. Any removal or painting over of graffiti shall be with an exterior grade paint that matches the color of the exterior of the structure.

(D) Visible front and side yards shall be landscaped and maintained to the neighborhood standard. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation and standards listed in the Claremont Municipal Code Section 16.130.030. Landscaping does not include weeds, gravel, broken concrete, asphalt, plastic sheeting, mulch, indoor-outdoor carpet or any similar material.

(E) Pools and spas shall be kept in working order so that water remains clear and free of pollutants, mosquito larvae, and debris, or alternatively shall be drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements set forth in Title 15.

(F) Adherence to this section does not relieve the beneficiary/trustee or property owner of obligations set forth in any covenants conditions and restrictions and/or home owners association rules and regulations which may apply to the property.

An enforcement official may allow exceptions to the maintenance standards set forth in this section for abandoned property, that is under construction and/or repair, that is diligently pursued for at least three (3) business days per week, and is undertaken in compliance with all applicable laws including but not limited to City permitting requirements. (08-17)

8.17.060 Security requirements

(A) Abandoned properties shall be secured so as not to be accessible to unauthorized persons.

(B) Securing of abandoned property includes but is not limited to closing and locking of windows, doors (walk-through, sliding and garage) gates and any other opening that may allow access to the interior of the property and or structure(s). In the case of broken windows securing means re-glazing or boarding the window.

(C) If the abandoned property is owned by a corporation and/or out of area beneficiary/trustee/owner, a local property management company shall be contracted to perform weekly inspections to verify that the abandoned property is maintained in accordance with the requirements of this section, and any other applicable laws.

(D) The property shall be posted with the name and 24-hour contact phone number of the local property management company. The posting shall be no less than 18" X 24", shall be of a font that is legible from a distance of forty-five (45) feet, and shall contain the following verbiage: "THIS PROPERTY

MANAGED BY _____," and "TO REPORT PROBLEMS OR CONCERNS CALL (name and phone number)".

(E) The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street of the front of the property so it is visible from the street. If no such area exists, the posting shall be on a stake of sufficient size to support the posting, in a location that is visible from the street to the front of the property, and to the extent possible, not readily subject to potential vandalism. Exterior posting must be constructed of, and printed with weather resistant materials.

(F) The local property management company shall inspect the property on a weekly basis to determine if the property is in compliance with the requirements of this chapter. If the property management company determines the property is not in compliance, it is the company's responsibility to bring the property into compliance.

(G) The duties/obligations specified in the section 8.17.060 shall be joint and several among and between all trustees and beneficiaries and their respective agents. (08-17)

8.17.070 Additional authority

In addition to the enforcement remedies established in this chapter, the City shall have the authority to require the beneficiary, trustee, owner or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including but not limited to, securing any and all doors, windows or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to secure and reduce the visual decline of the property. (08-17)

8.17.080 Fees

The fee for registering and re-registering an abandoned property shall be set, from time to time, by resolution of the City Council. The amount of the fee charges shall not exceed the cost of administering the provisions of this chapter. (08-17)

8.17.090 Enforcement

(A) Any violation of this chapter shall be treated as a strict liability offense; a violation shall be deemed to have occurred regardless of a violator's intent.

(B) Any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any abandoned property and causes, permits, or maintains a violation of the chapter as to that property, shall be guilty of a misdemeanor, and upon conviction thereof, may be punished as provided in Chapter 1.12 of this Code.

(C) This section 8.17.080 is intended to be cumulative to, and not in place of, other rights and remedies available to the City pursuant to this code. As an alternative to the violation and penalty specified in this section 8.17.080, the City Attorney or Enforcement Official may pursue any other right or remedy permitted by this code, including but not limited to commencement of any civil action, or administrative action to abate the condition of a property as a public nuisance pursuant to Chapter 8.16.

(D) If an enforcement officer determines that the owner of abandoned property has failed to maintain that property as obligated under California Civil Code Section 2929.3 and in accordance with this chapter, the City may impose a civil fine against the owner of up to one thousand dollars (\$1,000) per day for each day that the owner fails to maintain the property commencing on the day following the expiration of the period to remedy the violation as set forth in the notice provided pursuant to subsection E. The City shall not impose fines on an owner under this subsection where it has already done so pursuant to any other provision of this code.

(E) If the City chooses to impose a fine pursuant to subsection D, it shall give notice of the alleged violation to the owner. The notice shall include a description of the conditions that gave rise to the violation, and notice of the City's intent to assess a civil fine if action to correct the violation is not commenced within a period of not less than 14 days and completed within a period of not less than 30 days. The notice shall be mailed to the name and address provided in the deed or other instrument for mailing future tax statements, or, if none, to the return address provided on the deed or other instrument.

(F) The City shall provide a period of not less than 30 days for the legal owner to remedy the violation prior to imposing a civil fine. Notwithstanding the foregoing, the City may provide less than 30 days' notice to remedy a condition before imposing a civil fine if the entity determines that a specific

condition of the property threatens public health or safety and provided that notice of that determination and time for compliance is given.

(G) The City shall provide an owner who wishes to contest any fines imposed pursuant to subsection "D" a hearing and opportunity to be heard in accordance with the procedures for Administrative Citations contained in chapter 1.14 of this code. (08-17)

8.17.100 Appeals

Any person aggrieved by any of the requirements of this chapter may appeal a determination made hereunder in the manner specified with respect to appeals under Section 8.16.210 of this code. (08-17)

8.17.110 Joint and several liability

The duties/obligations specified in this chapter shall be joint and several among and between all trustees and beneficiaries and their respective agents. (08-17)

Chapter 8.18

SMOKING PROHIBITED IN PUBLIC PARKS

Sections:

8.18.010	Purpose
8.18.020	Definitions
8.18.030	Smoking Prohibited in Parks and Plazas
8.18.040	Signs
8.18.050	Penalties

8.18.010 Purpose.

The City Council has determined that there is ample evidence that smoking in any form, and the resultant secondhand smoke, poses a serious hazard to the health of members of the general public and city employees and can have a deleterious effect on the health and welfare of those in the vicinity of smoking activity. Secondhand smoke has been deemed a Class A Carcinogen which produces substances considered hazardous and dangerous to individuals' health. In order to serve the public health, safety and welfare the City Council has determined that it is necessary and desirable to establish regulations that prohibit smoking in certain places designated in this Chapter. (10-08)

8.18.020 Definitions.

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

"Public park" means any park or other site designated by the City of Claremont for any recreational purpose which is owned, managed or controlled by the City, and includes the entire site of the public park, including, without limitation, all structures thereon, any parking lots, and any public sidewalk adjacent to the park site.

"Public plaza" means a public square or area designed as a gathering place for the public and designated by the City of Claremont as a public plaza and which is owned, managed or controlled by the City.

"Smoke" or "Smoking" means the inhaling, exhaling, burning, or carrying of any form of tobacco in a cigar, cigarette, pipe or other device used for the burning of tobacco or other similar combustible material. (10-08)

8.18.030 Smoking Prohibited in Public Parks and Plazas.

Smoking is hereby prohibited in all public parks and plazas within the city limits of the City of Claremont. (10-08)

8.18.040 Signs.

Signs stating that smoking is prohibited in public parks and plazas shall be clearly, sufficiently and conspicuously posted in all public parks and plazas. The manner of such posting, including the wording, size, color, design and place of posting, shall be determined by the City Manager or his/her designee. (10-08)

8.18.050 Penalties.

Any person, firm or corporation who violates any provision of this chapter shall be subject to penalties as provided in Chapter 1.12 of this Code. (10-08)

Chapter 8.20

DUTCH ELM DISEASE

Sections:

8.20.010 Diseased trees--Destruction required.

8.20.020 Diseased trees--Storage prohibited--Disposition.

8.20.010 Diseased trees--Destruction required.

All trees of any species or variety of the genus *Ulmus* which are found to be infected with *Ceratocystis ulmi* in the city are a threat and a hazard to all trees of the genus *Ulmus* in Claremont. This chapter requires that all aboveground portions of such infected trees be destroyed or properly disposed of as provided in this chapter. (77-18)

8.20.020 Diseased trees--Storage prohibited--Disposition.

No person shall possess, store or transport into the city all or any part of trees of the genus *Ulmus*; provided, however, that wood, branches and roots of such trees may be transported either to a safe place for burning or burial, under a minimum of two feet of earth, within five days following the discovery of such infection, or to such sites, and under such conditions as are approved by the city manager for processing and subsequent elimination of the disease hazard. Infected trees may be treated in a manner approved by the county agriculture commissioner to effect a cure for the disease if and when an effective cure becomes known. (77-18)

Chapter 8.21

STREET SWEEPING

Sections:

8.21.010 Authority to establish streetsweeping charges.

8.21.010 Authority to establish streetsweeping charges.

The city council shall by uncodified ordinance determine, fix and establish fees or charges to be paid the city for providing and making available a service in the sweeping of streets, curbs and gutters. Such charges may be established by classification of structures or other method determined in the uncodified ordinance. (92-9; 92-1; 89-21; 79-5)

Chapter 8.22

MAINTENANCE OF COMMERCIAL LANDSCAPING

Sections:

- 8.22.001 Definitions.
- 8.22.002 Plants and improvements.
- 8.22.003 Irrigation.
- 8.22.004 Maintenance.
- 8.22.005 Removal of debris.
- 8.22.006 Nuisances.
- 8.22.007 Inspection and notice.
- 8.22.008 Appeal of order to comply.
- 8.22.009 Time of hearing.
- 8.22.010 Appeal to city council.
- 8.22.011 Notice of hearing before city council.
- 8.22.012 City council hearing.
- 8.22.013 Council findings.
- 8.22.014 Service of order of abatement.
- 8.22.015 Abatement after hearing.
- 8.22.016 Cost of abatement.
- 8.22.017 Report--Hearing on assessment.
- 8.22.018 Notice of decision.
- 8.22.019 Assessment of costs against property.

8.22.001 Definitions.

For the purposes of this chapter, the following words and phrases shall, when used in this chapter, have the following meanings:

- A. "Commercial landscaping areas" means all areas where plantings are required either by ordinance or when required as a condition to approval by the architectural commission in any commercial or industrial zone.
- B. "Sprinkler system" means a mechanical or electrical irrigation system for the distribution of water to the required landscaping.
- C. "Trash" means any cans, paper, junk, debris, glass, discarded lumber or waste material.
- D. "Weeds" includes any weeds or dead, diseased, damaged or overgrown vegetation of any type (including trees, shrubs, hedges, grass and ground cover). (78-31)

8.22.002 Plants and improvements.

All commercial landscaping areas shall be planted with suitable plants, shrubs, grass, ground cover and trees as may be required by the architectural commission or the department of community development. (78-38)

8.22.003 Irrigation.

All plantings required shall be irrigated by an approved sprinkling system. (78-38)

8.22.004 Maintenance.

All plantings shall be cut, pruned or trimmed as needed to prevent overgrowth of the landscaped area. Plantings shall be replaced as needed in accordance with the approved landscaping plan. All modifications to the approved landscaping plan shall be subject to review and approval by the department of community development or the architectural commission. (78-38)

8.22.005 Removal of debris.

All weeds, trash and debris shall be removed from the landscaped area. (78-38)

8.22.006 Nuisances.

Failure to maintain any commercial landscaping area shall be considered a public nuisance and abated as set forth in this chapter. (78-38)

8.22.007 Inspection and notice.

The code enforcement officer of the city shall inspect the commercial landscaping areas and, where necessary, notify the owner of the real property or his agent to comply with this chapter. (78-38)

8.22.008 Appeal of order to comply.

An order of real property wherein the landscaped area is located, or his bonafide agent who has receive an order from the city to correct any condition existing on the subject property, may request within fifteen days after such an order has been sent by registered mail, return receipt requested, or delivered by personal service, a hearing before the architectural commission sitting as a board of appeals. (78-38)

8.22.009 Time of hearing.

Upon receipt of a written request to appeal a order to correct any condition existing on the commercial real property, the architectural commission shall fix a time and place of public hearing thereon, not less than fifteen days nor more than forty days thereafter. The commission shall make a determination and announce is decision within forty days of such hearing. The decision shall determine the validity of the violation and the order to correct the conditions in question. In the event that the order to correct is upheld, the commission shall determine that the condition on the property is a public nuisance. The architectural commission shall adopt a resolution which shall state the decision and shall set forth findings in support of the decision. A copy of the resolution shall be mailed to the applicant by the city clerk. (78-3)

8.22.010 Appeal to city council.

The decision of the architectural commission may be appealed to the city council within fifteen days of the date of mailing of that decision. Such request for appeal shall be made in writing to the city clerk. (78-3)

8.22.011 Notice of hearing before city council.

A notice of hearing before the city council to consider an appeal of the architectural commission shall be given to the appellant in the same manner as stated in Sections 8.22.008 and 8.22.009. The decision of the city council shall be final. (78-38)

8.22.012 City council hearing.

At the time and place of hearing, the city council shall hear and consider all relevant evidence including, but not limited to, the report of the code enforcement officer, the resolution of the architectural commission, objections or protests relative to the existence of a nuisance because of the condition of the commercial landscaping area, and the manner proposed for abatement of the nuisance. (78-38)

8.22.013 Council findings.

Upon the conclusion of said hearing, the city council shall, on the basis of the evidence presented at such hearing, determine whether the condition of the commercial landscaping area constitutes a public nuisance. If the council finds that a public nuisance exists, it shall, by resolution, order the same abated in a reasonable time to be set forth in the resolution. The determination of the city council shall be final and conclusive. (78-38)

8.22.014 Service of order of abatement.

A copy of the city council's resolution ordering the abatement of the nuisance shall be served upon the owner of the property. (78-38)

8.22.015 Abatement after hearing.

An owner shall have the right to rehabilitate the commercial landscaping area at his own expense, provided the same is done prior to the expiration of the time set forth in the resolution of the city council. If the compliance of the owner occurs within such time, the proceedings hereunder shall be deemed terminated. If such nuisance is not completely abated by the owner, as directed, within the time set forth by the city council's resolution, then the city manager shall cause the same to be abated by the city forces or private contract, and entry upon the premises is expressly authorized for such purposes. (78-38)

8.22.016 Cost of abatement.

Where the city manager is required to cause the rehabilitation of the commercial landscaping in order to abate the nuisance determined by the city council, he shall keep an accounting of the cost thereof, including incidental expenses of such abatement. Upon conclusion of such abatement, the city manager shall submit his itemized statement of costs to the city clerk. Upon receipt of such statement, the city clerk shall cause notice of the time and place of such hearing to be given to the owner of the property to which the same relates, and to any other interested person who requests notice, by United States mail, postage prepaid, addressed to such person at his last known address, at least five days in advance of such hearing. The term "incidental expenses" includes, but is not limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts, inspection of the work, and costs of printing and mailings required under this chapter. (78-38)

8.22.017 Report--Hearing on assessment.

At the time and place fixed for receiving and considering said report, the city council shall hear and pass upon the report of the city manager, together with any objections or protests raised by any of the persons liable to be assessed for the cost of abating such nuisance. Thereupon, the city council may make such revision, correction or modification to said report as it may deem just, after which the report as submitted, or as revised, corrected or modified, shall be confirmed by resolution. Said hearing may be continued from time to time. The decision of the city council shall be final and conclusive. (78-38)

8.22.018 Notice of decision.

The city clerk shall give notice of the city council's decision to the owner of the property by United States mail, postage prepaid, addressed to such owner at his last known address. (78-38)

8.22.019 Assessment of costs against property.

The cost of abatement of the nuisance relating to the commercial landscaping area as confirmed by the city council shall constitute a special assessment against the land to which it relates and, after its recording, shall constitute a lien on said property in the amount of such assessment. After the confirmation of said report, a copy thereof shall be transmitted to the assessor and the tax collector for the city, whereupon it shall be the duty of said assessor and tax collector to add the amount of such assessment, or assessments, to the next regular bills of taxes levied against said respective lot or parcel of land for municipal purposes, and thereafter said amount shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquency as provided for ordinary municipal taxes. (78-38)

Chapter 8.24

LEAF BLOWERS

Sections:

- 8.24.010** Definitions.
- 8.24.020** Leaf blower use.
- 8.24.030** Permitted hours of operation.
- 8.24.040** Requirements for use in residential areas.
- 8.24.050** Prohibition of leaf blowers on city property.
- 8.24.060** Violation and penalty.

8.24.010 Definitions.

For the purposes of this chapter:

- A. "Leaf blower" means any air blowing machine which uses a concentrated stream of air to blow leaves, grass cuttings, trash, or other debris.
- B. "Parcel" means an area of real property as defined by the Los Angeles County Recorder.
- C. "Power yard maintenance equipment" means any engine driven device or machine used primarily for the maintenance of lawns, shrubs, trees, or other landscaping. (90-29)

8.24.020 Leaf blower use.

Leaf blowers powered by installed line current or by battery may be used in the city subject to the provisions of this chapter notwithstanding the noise standards in Chapter 16.154 of this code. Internal combustion engine (gasoline) powered leaf blowers shall be prohibited in the city after March 1, 1991. (90-29)

8.24.030 Permitted hours of operation.

Electric or battery powered leaf blowers may be operated only between 8:00 a.m. and 6:00 pm., seven days per week. (90-29)

8.24.040 Requirements for use in residential areas.

- A. No leaf blower shall be operated for more than fifteen minutes per hour on any one parcel.
- B. No leaves or other debris shall be blown into the street, sidewalk, or beyond the parcel property line.
- C. The full blower nozzle extension shall be used for maximum efficiency and to minimize the spread of dust.
- D. When leaf blowers are used in dusty conditions, surfaces shall be moistened prior to blowing or a mister used during blowing.
- E. After leaf blower use, debris shall be disposed in trash receptacles.
- F. Leaf blowers shall be in proper working order and all manufacturer's noise and dust control equipment on the leaf blower shall remain on the blower and be in operating condition.
- G. Leaf blower users shall operate the leaf blower with the least amount of noise and at the lowest speed possible and keep use time as short as possible.
- H. Commercial leaf blower operators shall have in their possession a Claremont business license available for inspection on site. (90-29)

8.24.050 Prohibition of leaf blowers on city property.

Use of any type of leaf blower on any city owned or maintained property is prohibited. (90-29)

8.24.060 Violation and penalty.

No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation, or otherwise fail to comply with any of the requirements of this chapter. Any violation of this chapter shall be punishable as provided in Chapter 1.12 of this code. (09-05, 90-29)

Chapter 8.28

STORMWATER AND RUNOFF POLLUTION CONTROL

Sections:

- 8.28.010 Definitions.**
- 8.28.020 General Provisions.**
- 8.28.030 Discharge to the Storm Drain System**
- 8.28.040 Runoff Management Requirements.**
- 8.28.050 Violations and Enforcement**

8.28.010 Definitions.

The following words, phrases and terms as used in this chapter shall have the meanings ascribed to them in this Section 8.28.010.

- A. "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- B. "Adverse impact" means a detrimental effect upon water quality or beneficial uses caused by a discharge or addition of a pollutant or pollutants to the storm drain system or to receiving waters.
- C. "Basin plan" means a water quality control plan for a specific watershed area or areas adopted by a regional board.
- D. "Beneficial uses" means existing or potential uses of receiving waters as defined in a basin plan.
- E. "Best management practices (BMPs)" means stormwater and runoff pollution control practices, activities, and procedures designed to reduce or prevent the discharge of pollutants, directly or indirectly, to the storm drain system and/or receiving waters. Such BMPs may include, but are not limited to, BMPs set forth in the Storm Water Pollution Prevention Plan, the Municipal Activities Pollution Prevention Strategy Handbook, the General Industrial BMP Handbook, those developed by the Los Angeles County, or other BMPs adopted or recommended by federal, state or local agencies for prevention of pollutant discharge from specific sources.
- F. "Code of Federal Regulations (CFR)" means the codification of the general and permanent rules and regulations published in the Federal Register by the executive departments and agencies of the federal government of the United States.
- G. "Commercial activity" means any public or private activity not defined as an industrial activity in 40 CFR 122.26(b)(14), involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or nonprofessional services. "Construction activity" means any clearing, grading, disturbances of the ground (such as stockpiling), or excavation of any real property that results in soil disturbances. Construction activity does not include routine maintenance to maintain the original line and grade, hydraulic capability, or original purpose of a facility, nor does it include emergency construction activities required to immediately protect public health and safety.
- I. "City" means the City of Claremont.
- J. "Council" means the City Council of the City of Claremont.
- K. "Department" means the Community Development Department of the City of Claremont.
- L. "Director" means the Director of Community Development, or his/her authorized deputy, agent, representative or inspector.
- M. "Discharge" means any addition, release, spill, leak, pumping, flow, escape, dumping, or disposal of any pollutant to the storm drain system or to receiving waters from any conveyance or source regulated under the Clean Water Act or its regulations.
- N. "Good housekeeping practice" means a best management practice related to the transfer, storage, use, or cleanup of materials which when performed in a regular manner minimizes the discharge or potential discharge of pollutants to the storm drain system and/or receiving waters.
- O. "Hazardous material" means any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code or any substance designated pursuant to 40 CFR 302. This also includes any unlisted hazardous substance which is a solid waste, as defined in 40 CFR 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), or is a hazardous

substance under Section 101(14) of the Act, if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.

P. "Hazardous waste" means a hazardous material which is to be discharged, discarded, recycled, and/or reprocessed.

Q. "Illicit connection" means either of the following:

1. Any drain or conveyance whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by the city.

R. "Illicit discharge" means any discharge to the storm drain system or receiving waters that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. Illicit discharge includes all non-stormwater discharges except discharges pursuant to a NPDES permit or discharges that are exempted or conditionally exempted by such permit.

S. "Industrial activity" means any public or private activity as defined in 40 CFR 122.26(b)(14) required to obtain a NPDES permit.

T. "Industrial/commercial facility" means any public or private facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, or any facility involved and/or used in providing professional and nonprofessional services. This category of facility includes, but is not limited to, any facility defined by a Standard Industrial Classification (SIC).

U. "National Pollutant Discharge Elimination System (NPDES) permit" means a general, group, or industrial permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board or a California Regional Water Quality Control Board pursuant to the Act, that authorizes discharges to waters of the United States.

V. "Non-stormwater discharge" means any discharge to the storm drain system and/or receiving waters that is not composed entirely of stormwater.

W. "Person" means any natural person, firm, association, club, organization, corporation, partnership, business, trust, public agency, company or other entity which is recognized by law as the subject of rights and duties.

X. "Pollutant" shall have the same meaning as set forth in Section 502(6) of the Act or as incorporated into the California Water Code Section 13373. Pollutants include, but are not limited to the following:

1. Commercial and industrial waste (such as fuels, solvents, chemicals, detergents, plastic pellets, hazardous materials or substances, hazardous wastes, fertilizers, pesticides, soot, slag, ash, and sludge);

2. Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium and arsenic) and nonmetals (such as carbon, chlorine, fluorine, phosphorous and sulfur);

3. Petroleum hydrocarbons (such as fuels, oils, lubricants, surfactants, waste oils, solvents, coolants, and grease);

4. Eroded soils, sediment, and particulate materials in amounts which may adversely affect any beneficial use of the receiving waters, flora, or fauna of the state;

5. Animal wastes (such as discharges from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);

6. Substances having acidic or corrosive characteristics such as a pH of less than six or greater than nine;

7. Substances having unusual coloration or turbidity, levels of fecal coliform, fecal streptococcus, or enterococcus, which may adversely affect the beneficial use of the receiving waters, flora, or fauna of the state; and

8. Anything which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water.

Y. "Receiving waters" means all waters of the United States into which a pollutant is or may be discharged. "Waters of the United States" means surface watercourses and water bodies as defined at 40 CFR 122.2, including all natural waterways and definite channels and depressions in the earth that

may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

Z. "Regional board" means a California Regional water Quality Control Board.

AA. "Runoff means any stormwater or non-stormwater discharge from any surface and/or drainage area that reaches the storm drain system and/or receiving waters.

BB. "Standard Industrial Classification (SIC)" means a classification pursuant to the current edition of the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States, Office of Management and Budget, and as the same may be periodically revised.

CC. "State board" means the State Water Resources Control Board.

DD. "Storm drain system" means any street, gutter, conduit, natural or artificial drain, curb, inlet, detention and retention basins, channel and watercourse, and/or other facility or any combination thereof, that is owned or operated by the city and used for the purpose of collecting, storing, conveying, transporting, and/or disposing of runoff.

EE. "Stormwater" means any surface flow, runoff or drainage which originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, and/or other surfaces.

FF. "Stormwater pollution prevention plan (SWPPP)" means a plan required by and whose contents are specified in a NPDES permit.

GG. "Stormwater runoff" means stormwater which travels across any surface to the storm drain system or receiving waters.

HH. "Structural BMP" means any permanent facility constructed to control, treat, store, divert, neutralize, dispose of, and/or monitor runoff in order to reduce or measure pollutants.

II. "Uncontrolled discharge" means any discharge, intentional or accidental, occurring in such a manner that the discharger is unable to determine or regulate the quantity, quality or effects of the discharge.

JJ. "U.S. EPA" means the United States Environmental Protection Agency. (00-07)

8.28.020 General Provisions.

A. Short title. The ordinance codified in this chapter shall be known as the "stormwater and runoff pollution control ordinance of the City of Claremont" and may be referred to as such.

B. Purpose and intent. The purpose of this chapter is to protect the health and safety of the residents of the city by protecting the beneficial uses, marine habitats, and ecosystems of receiving waters from pollutants carried by stormwater and non-stormwater discharges. The intent of this chapter is to enhance and protect the water quality of receiving waters consistent with the Act.

C. Applicability of this chapter. The provisions of this chapter shall apply to the discharge, deposit, addition or disposal of any stormwater and/or runoff to the storm drain system and/or receiving waters within the City of Claremont.

D. Standards, guidelines and criteria. The director may establish uniform minimum standards, guidelines, and/or criteria for specific discharges, connections and/or BMPs. The provisions of this section shall not prohibit the director from requiring a discharger or permittee from taking additional measures to achieve the objectives of this chapter or any permit. (00-07)

8.28.030 Discharge to the Storm Drain System

A. Illicit discharges prohibited. No person shall cause any discharge to enter the storm drain system unless such discharge:

1. Consists entirely of stormwater;

2. Consists of non-stormwater that is authorized by a NPDES permit, waiver or waste discharge order issued by the U.S. EPA, the state board, or a regional board, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, including the provisions of this chapter; or

3. Is associated with fire fighting activities.

B. Notwithstanding subsection 8.28.030 A, discharges from the following activities will not be considered a source of pollutants to the storm drain system and to receiving waters when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this ordinance: potable water line flushing; uncontaminated pumped groundwater and other discharges from potable water sources; infiltration to the storm drain system; uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning

condensation; uncontaminated non-industrial roof drains; springs; individual residential and occasional non-commercial car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; discharge of residential swimming pool filter backwash, provided any sediment, dirt and other potential pollutants are first removed from the backwash to the maximum extent practicable; and street and sidewalk wash waters.

C. Installation or use of illicit connections prohibited. No person shall install, maintain or use any connection to the storm drain system or shall cause non-stormwater to be discharged or conveyed through a connection to the storm drain system unless the connection has been permitted by the director. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization, or whether permissible under the laws or practices applicable or prevailing at the time of the connection.

D. Removal of illicit connection from the storm drain system. If any person fails to remove an illicit connection upon notification by the director, or upon revocation of a connection permit, the director may remove such connection from the storm drain system pursuant to Section 8.28.050 of this chapter. The director may pursue the recovery of costs for such removal pursuant to Section 8.28.050 of this chapter.

E. Littering and other discharge of polluting or damaging substances prohibited.

1. No person shall cause any refuse, rubbish, food waste, garbage, or any other discarded or abandoned objects to be littered, thrown, deposited, left, accumulated, maintained or kept in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit, drainage structure, place of business, or upon any public or private property so that the same may or does become a pollutant which may or does enter the storm drain system or receiving waters, except when such materials are placed in containers, bags, recycling bins, or other lawfully established waste disposal facilities protected from stormwater or runoff.

2. No person shall cause the disposal of hazardous materials or hazardous wastes into trash containers used for municipal trash disposal.

3. No person shall cause to be discharged to the storm drain system or to receiving waters any pesticide, fungicide, or herbicide prohibited by the U.S. EPA or the California Department of Pesticide Regulation.

4. No person shall cause the accumulation of pollutants, leaves, dirt, or other landscape debris into a street, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain, or any fabricated or natural conveyance so that the same may or does become a pollutant which may or does enter the storm drain system or receiving waters.

5. No person shall cause the disposal of sanitary or septic waste or sewage into the storm drain system from any property or residence or any type of recreational vehicle, camper, bus, boat, holding tank, portable toilet, vacuum truck or other mobile source of waste holding tank, container or device.

6. No person shall discharge or cause to be discharged anything that would result in or contribute to a violation of the city's NPDES permit and any amendment, revision or re-issuance, thereof, either separately or when combined with other discharges.

F. Stormwater and runoff pollution mitigation for construction activity. No person shall commence any construction activity for which a permit is required by this code without implementing all stormwater and runoff pollution mitigation measures required by such permit(s).

G. Prohibited discharges from industrial or commercial activity. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. The following discharges from industrial or commercial activities are prohibited unless the discharge is in compliance with a NPDES permit:

1. Discharge of wash waters to the storm drain system from the cleaning of gas stations, auto repair garages, or other types of auto repair facilities;

2. Discharge of wastewater to the storm drain system from mobile auto washing, steam cleaning, mobile carpet cleaning, or other such mobile commercial and industrial operations;

3. Discharge to the storm drain system from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluids or coolants is undertaken;

4. Discharge to the storm drain system from storage areas for materials containing grease, oil, or hazardous materials, or from uncovered receptacles containing hazardous materials, grease, or oil;

5. Discharge of commercial/public swimming pool filter backwash to the storm drain system;

6. Discharge from the washing of toxic materials from paved or unpaved areas to the storm drain system;

7. Discharge from the washing out of concrete trucks to the storm drain system; and
8. Discharge from the washing or rinsing of restaurant mats, equipment or garbage bins or cans in such a manner that causes non-stormwater to enter the storm drain system.
- H. Industrial/commercial facility sources required to obtain a NPDES permit. Any industrial or commercial facility required to have a NPDES permit shall retain on-site and, upon request, make immediately available to the director the following documents as evidence of compliance with permit requirements, as applicable:
 1. A copy of a NPDES permit or notice of intent to comply with a general permit to discharge stormwater associated with industrial or construction activity as submitted to the state board or report of waste discharge as submitted to a regional board of jurisdiction;
 2. A waste discharge identification number issued by the state board or copy of the NPDES permit issued by a regional board;
 3. A SWPPP and a monitoring program plan or group monitoring plan;
 4. Stormwater quality data; and
 5. Evidence of facility self-inspection.
- I. Public facility sources required to obtain a NPDES permit. Any public facility required to have a NPDES permit shall retain on-site and, upon request, make immediately available to the director the following documents as evidence of compliance with permit requirements, as applicable:
 1. A copy of a NPDES permit or notice of intent to comply with a general permit to discharge stormwater associated with industrial or construction activity as submitted to the state board or report of waste discharge as submitted to a regional board of jurisdiction;
 2. A waste discharge identification number issued by the state board or copy of the NPDES permit issued by a regional board;
 3. A SWPPP and a monitoring program plan or group monitoring plan;
 4. Stormwater quality data; and
 5. Evidence of facility self-inspection.
- J. Notification of uncontrolled discharges required.
 1. Upon the discovery of an uncontrolled discharge to the storm drain system or receiving waters, the discharger or permittee shall immediately notify the director of the incident by telephone in addition to any other notifications to public agencies as may be required by law. The notification shall include the location of the discharge, type of materials discharged, estimated concentration and volume of the discharge, and corrective actions taken to contain or minimized the effects of the discharge.
 2. Within 10 calendar days after the first discovery of the uncontrolled discharge, the discharger or permittee shall submit to the director a detailed written report describing the cause of the discharge, corrective action taken and measures to be taken to prevent future occurrences, and measures taken to remediate the effects of the discharge. Such notification shall not relieve the discharger or permittee from liability or fines incurred as a result of the uncontrolled discharge. (00-07)

8.28.040 Runoff Management Requirements

- A. Good housekeeping provisions. An owner or occupant of any property shall comply with the following good housekeeping requirements:
 1. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical, fuel, animal waste, garbage, batteries and/or septic waste in an area where actual or potential discharge to the city streets or the storm drain system may occur. Any spills, discharge, or residues shall be removed as soon as possible and disposed of properly.
 2. Runoff from landscape irrigation, air conditioning condensate, water line flushing, foundation/footing drains, individual residential car washing, dechlorinated swimming pool discharges and sidewalk washing shall be conducted in a manner which minimizes or eliminates the possibility of pollutant discharges reaching the city storm drain system or receiving waters.
 3. Runoff from washing paved areas, including but not limited to parking lots, on industrial or commercial property is prohibited unless specifically required by federal, state, or local health or safety codes and not in violation of any other provision of this code. Runoff from authorized washing of paved areas shall be minimized to the extent practicable.
 4. Objects, such as motor vehicle parts, containing grease, oil, or other hazardous materials, and unsealed receptacles containing hazardous materials, shall not be stored in areas exposed to stormwater or otherwise susceptible to runoff.

5. Any machinery or equipment which is to be repaired or maintained in areas exposed to stormwater or otherwise susceptible to runoff shall be provided with containment areas to control leaks, spills, or discharges.
6. All motor vehicle parking lots with more than 25 parking spaces and located in areas exposed to stormwater or otherwise susceptible to runoff shall have debris removed by regular sweeping or other equally effective measures. Such debris shall be collected and properly disposed of.
- B. Best management practices for construction activity. All BMPs required as a condition of any NPDES permit for construction activity granted by U.S. EPA, the State Water Resources Control Board, or a regional board or pursuant to this code shall be maintained in full force and effect during the term of the project, unless authorized by the director.
- C. Best management practices for industrial and commercial facilities. All industrial and commercial facilities shall implement BMPs which will effectively prevent the direct or indirect discharge of pollutants to the storm drain system or receiving waters to the maximum extent practicable. Minimum BMPs applicable to all industrial and commercial facilities include, but are not limited to:
 1. Termination of all non-stormwater discharge to the storm drain system that is not specifically authorized by a NPDES permit;
 2. Exercising general good housekeeping practices;
 3. Incorporating regular scheduled preventative maintenance into operations;
 4. Maintaining spill prevention and control procedures;
 5. Implementing soil erosion control;
 6. Posting on-site private storm drains to indicate that they are not to receive liquid, solid wastes or pollutants;
 7. Implementing regular cleaning of the on-site private storm drain system; and
 8. Insuring that stormwater runoff is directed away from operating, processing, fueling, cleaning and storage areas.
- D. Installation of structural BMPs. No person shall install a structural BMP for the purpose of treating, neutralizing, disposing of, monitoring or diverting to the sanitary sewer system any runoff without the approval of the director and of the Los Angeles County Sanitation District or any successor thereto. Such facilities may be subject to plan review, application and issuance of operating permits pursuant to this code.
- E. BMPs to be consistent with environmental goals. No person shall install or implement a BMP that transfers pollutants to air, groundwater, surface soils and/or other media in a manner inconsistent with applicable environmental laws and regulations.
- F. New development and redevelopment.
 1. Prior to construction of a development, redevelopment or new development project, such project shall be evaluated by the city for its potential to discharge pollutants to the storm drain system or to receiving waters based on its intended land use. Such evaluation shall be conducted in accordance with development planning requirements established by the regional board or its executive officer, pursuant to the municipal NPDES permit.
 2. Once a development, redevelopment or new development project has been evaluated for its potential to discharge pollutants to the storm drain system or receiving waters, the city shall require appropriate BMPs to be implemented during construction and following project completion. The prescription of BMPs shall be in keeping with Standard Urban Storm Water Mitigation Plan requirements established by the regional board or its executive officer, pursuant to the municipal NPDES permit. (00-07)

Section 8.28.050 Violations and Enforcement

- A. Enforcement - Director's powers and duties. The director shall have primary responsibility for the enforcement of the regulations in this chapter. The director may enter into agreements with other departments for the purpose of implementing this chapter.
- B. Identification for inspectors and maintenance personnel. The director shall provide means of identification to inspectors and storm drain system maintenance personnel which shall identify them as such. Inspectors and storm drain system maintenance personnel shall identify themselves upon request in the performance of their duties under this chapter.
- C. Obstructing access to facilities prohibited. No object, whether a permanent structure, a temporary structure, or any object which is difficult to remove, shall be located on any storm drain easement or placed in such a position as to interfere with the ready and easy access to any facility

conveying stormwater or runoff as described in this chapter unless authority is granted by the director. Upon notification by the director, any such obstruction shall be immediately removed by the responsible party at no expense to the city, and shall not be replaced.

D. Inspection to ascertain compliance - Access required.

1. The director may inspect in a manner authorized by law, as often as he/she deems necessary, any publicly or privately owned storm drain, storm drain connection, street, gutter, yard, plant, storage facility, building, BMP, NPDES permit, SWPPP, stormwater management plan, construction activity or other facility to ascertain whether such facilities, plans, or protective measures are in place, maintained and operated in accordance with the provisions of this chapter.

2. In the course of such inspection, the director may:

a. Inspect, sample, make flow measurements of any runoff, discharge or threatened discharge;

b. Place on the premises devices for runoff or discharge sampling, monitoring, flow measuring or metering;

c. Inspect, copy, or examine any records, reports, plans, test results or other information required to carry out the provisions of this chapter, to the extent allowed by law; and

d. Photograph any materials, storage areas, waste, waste containers, BMP, vehicle, connection, discharge, runoff and/or violation discovered during an inspection.

E. Interference with inspector prohibited. No person shall, during reasonable hours, refuse, restrict, resist or attempt to resist the entrance of the director into any building, factory, plant, yard, construction project or other place or portions thereof in the performance of his/her duty within the powers conferred upon him/her by law.

F. Notice to correct violations - Director may take action. The director may issue a notice of violation and order to comply to achieve compliance with the provisions of this chapter. Failure to comply with the terms and conditions of a notice of violation and order to comply shall constitute a violation of this chapter.

If a person fails to comply with an order issued under this section to remove an illicit connection, obstruction or other encroachment to the storm drain system, the director may perform the work as provided in Section 8.28.050 H. of this chapter. The person responsible for installing or operating such a facility shall be liable to the city for the cost of such work, including reasonable attorneys' fees and other costs of enforcement, to be recovered in a civil action in any court of competent jurisdiction.

G. Violation a public nuisance. Any discharge in violation of this chapter, any illicit connection, and/or any violation of runoff management requirements shall constitute a threat to public health and safety and is declared and deemed a public nuisance.

H. Nuisance abatement - Costs. Whenever a nuisance shall be found to exist on any premises, the director may summarily abate such nuisance upon determination that the nuisance constitutes an immediate threat to public health or safety, or the director may notify in writing the person(s) having control of or acting as agent for such premises to abate or remove such nuisance within such time as is stated on the notice. Upon the failure or refusal of such person(s) to comply with the notice, the director may abate such nuisance in the manner provided by law. The person(s) having control of such premises, in addition to the penalties provided by this chapter, shall be liable to the city for any costs incurred by the city for such abatement, including reasonable attorneys' fees and other costs of enforcement, to be recovered in a civil action in any court of competent jurisdiction.

I. Violation - Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor. Such violation shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the county jail for a period not to exceed six months. Each day during any portion of which such violation is committed, continued or permitted shall constitute a separate offense and shall be punishable as such.

J. Penalties not exclusive. Penalties under this chapter are in addition to, and do not supercede or limit, any and all other penalties or remedies provided by law.

K. Conflicts with other code sections. The provisions of this chapter shall control over any inconsistent or conflicting provisions of this code.

L. Severability. If any portion of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter, and the application of such provisions to other persons or circumstances, shall not be affected thereby. (00-07)

Chapter 8.30

WATER CONSERVATION

Sections:

- 8.30.010 Purpose
- 8.30.020 Definitions
- 8.30.030 Application
- 8.30.040 Permanent Water Conservation Requirements
- 8.30.050 Level 1 Water Supply Shortage
- 8.30.060 Level 2 Water Supply Shortage
- 8.30.070 Level 3 Water Supply Shortage – Emergency Condition
- 8.30.080 Procedures for Determination/Notification of Water Supply Shortage
- 8.30.090 Hardship Waiver
- 8.30.100 Penalties and Violations

8.30.010 Purpose

The purpose of this Chapter is to establish a water conservation and supply shortage program that will reduce water consumption within the City of Claremont through conservation, assist in effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City to avoid and minimize the effect and hardship of water shortages to the greatest extent possible.

This chapter establishes water conservation restrictions intended to alter behavior related to water use efficiency at all times and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies. (09-10)

8.30.020 Definitions

The following definitions shall apply to this Chapter:

1. **“Person”** means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water in the City of Claremont.
2. **“Landscape irrigation system”** means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
3. **“Large landscape areas”** means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land.
4. **“Lawn, landscape or other vegetated area”** means any plant material.
5. **“Local Retail Water Agency”** means any agency or privately-owned company that provides water to residents, businesses and other water users in the City of Claremont.
6. **“Single pass cooling systems”** means equipment where water is circulated only once to cool equipment before being disposed.
7. **“Potable water”** means water which is suitable for drinking.
8. **“Recycled water”** means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations. (09-10)

8.30.030 Application

- A. The provisions of this Chapter apply to any person in the use of any potable water in the City.
- B. The provisions of this Chapter do not apply to uses of water necessary to protect public health and safety or for essential governmental services, such as police, fire and other similar emergency services.
- C. The provisions of this Chapter do not apply to the use of recycled water, with the exception of Section 9.30.040(a).

D. The provisions of this Chapter do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.

E. This Chapter is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.

F. Where any provision of the Claremont Municipal Code is in conflict with this Chapter, the provision of this Chapter shall take precedence. (09-10)

8.30.040 Permanent water conservation requirements.

The following water conservation requirements are effective at all times. Any person who violates this section shall be subject to the penalties for violation as set forth in Section 8.30.100 of this Code.

A. **Limits on water hours.** Outdoor watering or irrigating of lawn, landscape or any other vegetated area with potable water is prohibited between the hours of 9 a.m. and 5 p.m. Pacific Standard Time (PST) on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour.

B. **Limit on watering duration.** Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.

C. **No excessive water flow or runoff.** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

D. **No washing down hard or paved surfaces.** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys is prohibited, except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.

E. **Obligation to fix leaks, breaks or malfunctions.** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than five (5) business days of the property owner receiving notice from Local Retail Water Agency or the City of Claremont, is prohibited.

F. **Re-circulating water required for water fountains and decorative water features.** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

G. **Limits on washing vehicles.** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.

H. **Drinking water served upon request only.** Eating or drinking establishments, including but not limited to a restaurant, hotel, café, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.

I. **Commercial lodging establishments must provide guests option to decline daily linen services.** Hotels, motels, and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

J. **No installation of single pass cooling systems.** Installation of single pass cooling systems is prohibited in buildings requesting new water service.

K. **No installation of non-recirculating commercial car wash and laundry systems.** Installation of non-recirculating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

L. **Restaurants required to use water conserving dish wash spray valves.** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves. (09-10)

8.30.050 Level 1 Water Supply Shortage

A. Upon the declaration by the City Manager of a Level 1 Water Supply Shortage condition, the City will implement the mandatory Level 1 conservation measures identified in this section. Following the City Manager's declaration, he or she shall agendize before the City Council an item for the Council to affirm the declaration.

Generally, a Level 1 Water Supply Shortage is warranted when a reduction in consumer demand of up to 10 percent is needed to respond to existing water conditions. Conditions to be considered by the City Manager and City Council in declaring a water supply shortage include, but are not limited to: time of year, local rainfall totals, regional/sub-regional water district's water supply allocation plans, groundwater use programs, State water project allocations or anticipated allocations, local or regional water system emergencies, or natural disasters that cause damage to water supplies or water distribution system.

B. **Additional water conservation measures.** In addition to the prohibited uses of water identified in Section 8.30.040, the following water conservation requirements apply during a declared Level 1 Water Supply Shortage. Any person in violation of this subsection shall be subject to the penalties for violation as set forth in Section 8.30.100 of this Code.

1. **Limits on watering days.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three (3) days per week on a schedule established and posted by the City of Claremont. During the months of November and March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the City of Claremont. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

2. **Obligation to fix leaks, breaks or malfunctions.** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification of any property owner by the City of Claremont or a Local Retail Water Agency unless other arrangements are made with the City or Local Retail Water Agency. (09-10)

8.30.060 Level 2 Water Supply Shortage

A. Upon the declaration by the City Manager of a Level 2 Water Supply Shortage condition, the City will implement the mandatory Level 2 conservation measures identified in this section. Following the City Manager's declaration, he or she shall agendize before the City Council an item for the Council to affirm the declaration. Generally, a Level 2 Water Supply Shortage is warranted when a reduction in consumer demand of 11 to 30 percent is needed to respond to existing water conditions.

B. **Additional Conservation Measures.** In addition to the prohibited uses of water identified in Section 8.30.040 and 8.30.050, the following additional water conservation requirements apply during a declared Level 2 Water Supply Shortage.

1. **Watering Days.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two (2) days per week on a schedule established and posted by the City of Claremont. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the City of Claremont. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing

water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

2. **Obligation to fix leaks, breaks or malfunctions.** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight (48) hours of notification of the property owner by the City of Claremont or the Local Retail Water Agency unless other arrangements are made with either the City or Local Retail Water Agency.

3. **Limits on filling ornamental lakes or ponds.** Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under this Ordinance.

4. **Limits on Washing Vehicles.** Using water to wash or clean a vehicle, including but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, by high pressure/low volume wash systems, or at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.

5. **Limits on filling residential swimming pools and spas.** Re-filling more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited. (09-10)

8.30.070. Level 3 Water Supply Shortage Emergency

A. A Level 3 Water Supply Shortage condition is also referred to as an "Emergency" condition. A level 3 condition exists when the City Manager declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 3 Water Supply Shortage condition, the City will implement the mandatory Level 3 conservation methods identified in this section. Following the City Manager's declaration, he or she shall agendaize before the City Council an item for the Council to affirm the declaration. Generally, a Level 3 Water Supply Emergency is warranted when a reduction in consumer demand of more than 30 percent is needed to respond to existing water conditions.

B. **Additional conservation measures.** In addition to the prohibited uses of water identified in Section 8.30.040, 8.30.050 and 8.30.060, the following water conservation requirements apply during a declared Level 3 Water Supply Shortage Emergency.

1. **No watering or irrigating.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use, unless the City has determined that recycled water is available and may be applied to the use:

i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device;

ii. Maintenance of existing landscape necessary for fire protection;

iii. Maintenance of existing landscape for soil erosion control;

iv. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;

v. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two (2) days per week according to the schedule established in Section 8.30.060(b)(1) and time restrictions in Section 8.30.040(a) and (b);

vi. Actively irrigated environmental mitigation projects.

2. **Obligation to fix leaks, breaks or malfunctions.** All leaks, breaks, or other malfunctions in any plumbing or water distribution system must be repaired within twenty-four (24) hours of notification of the property owner by the City or Local Retail Water Agency unless other arrangements are made with the City or Local Retail Water Agency. (09-10)

8.30.080. Procedures for determination/notification of water supply shortage.

a. **Declaration and notification of water supply shortage.** The existence of Level 1, Level 2 or Level 3 Water Supply Shortage conditions may be declared by the City Manager and affirmed by resolution of the City Council adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation requirements applicable to Level 1, Level 2 or Level 3

conditions will take effect ten (10) days after the date the shortage level is declared. Within five (5) days following the declaration of the shortage level, the City Council must publish a copy of the resolution in a newspaper used for publication of official notices.

b. **Declaration and notification that a water supply shortage has ended.** The City Council may declare an end to a water supply shortage situation upon recommendation from the City Manager, or designee, by approval of a resolution at a regular or special public meeting of the City Council. (09-10)

8.30.090 Hardship Waiver

a. **Undue and disproportionate hardship.** If, due to unique circumstances, a specific requirement of this Chapter would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.

b. **Written finding.** The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. **Application.** Application for a waiver must be on a form prescribed by the City and accompanied by a non-refundable processing fee in an amount set by City Council resolution.

2. **Supporting Documentation.** The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. **Required findings for waiver.** An application for a waiver will be denied unless the Community Development Director finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the Local Retail Water Agency or its Agent, all of the following:

i. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;

ii. That because of special circumstances applicable to the property or its use, the strict application of this Chapter would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;

iii. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City Council to effectuate the purpose of this Chapter and will not be detrimental to the public interest; and

iv. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.

4. **Approval authority.** The City Manager, or his designee, must act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition. The decision of the City Manager, or his designee, will be final. (09-10)

8.30.100 Penalties and Violations

a. **Misdemeanor.** Any violation of this Chapter may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (3) days, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

b. **Penalties.** Penalties for failure to comply with any provisions of the ordinance are as follows:

1. **First violation.** The City may issue a written warning and deliver a copy of this Ordinance by mail to a violator.

2. **Second violation.** A second violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed one hundred dollars (\$100).

3. **Third violation.** A third violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed two hundred fifty dollars (\$250).

4. **Fourth and subsequent violations.** A fourth and any subsequent violation is punishable by a fine not to exceed five hundred dollars (\$500).
- c. **Separate offenses.** Each day that a violation of this Chapter occurs is a separate offense. (09-10)