

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION¹

Section:

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1.01.010 Adoption.

Pursuant to the provisions of Sections 50022.1 through 50022.10 of the Government Code of the state of California, and Section 617 of the Charter of the city of Chico, there is hereby adopted the “Chico Municipal Code” as published by Book Publishing Company, Seattle, Washington, together with those secondary codes adopted by reference therein, save and except those portions of the secondary codes as are deleted or modified by the provisions of the “Chico Municipal Code.”

(Ord. 1154 §3)

1.01.020 Title - Citation - Reference.

This code shall be known as the “Chico Municipal Code” and it shall be sufficient to refer to the said code as the “Chico Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Chico Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Chico Municipal Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

(Ord. 1154 §4)

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Chico, California, codified pursuant to the provisions of Sections 50022.1 through 50022.10 of the Government Code of the state of California and Section 617 of the Charter of the city of Chico.

(Ord. 1154 §5)

1.01.040 Ordinances made part of code.

- A. The last ordinance included in this code was Ordinance 1127, adopted June 3, 1975. The following ordinances, passed subsequent thereto, but prior to the adoption of this code, are hereby made a part of this code: Ordinances 1128, 1129, 1132, 1133, 1134, 1136, 1137, 1138, 1141, 1142, 1144, 1145, 1146, 1147 and 1148.
- B. In addition to the above, Ordinance 1125, adopted June 3, 1975, Ordinance 1189, adopted July 6, 1976, and Ordinance 1395, adopted July 8, 1980, are hereby made a part of this code.

(Ord. 1154 §6, Ord. 1331 §1, Ord. 1418)

1.01.050 Reference applies to all amendments.

- A. Whenever a reference is made to the code herein adopted, or to any portion thereof or to any ordinance of the city of Chico, California, the reference shall apply to all amendments, corrections and additions thereto, now or hereafter made.
- B. The phrase "this code" shall be deemed and construed to refer to the content of the titles set forth in the Chico Municipal Code, the titles designated by the letter "R" set forth in the supplement to the Chico Municipal Code, and all secondary codes and other regulatory codes or compilations of law adopted by reference within the Chico Municipal Code.

(Ord. 1154 §7; Ord. 2180 §1)

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

(Ord. 1154 §8)

1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

(Ord. 1154 §9)

1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, whether or not previously codified, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances or previous codifications thereof, nor be construed as affecting any of the provisions of such ordinances or previous codifications thereof relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance or previous codifications thereof and all rights and obligations thereunder appertaining shall continue in full force and effect. The provisions appearing in this code, so far as they are the same as those of

ordinances existing at the time of the effective date of this code, or previous codifications thereof, shall be considered as continuations thereof and not as new enactments.

(Ord. 1154 §10)

1.01.090 Ratification of amendments.

All nonsubstantive modifications or corrections in this code in the content, format, or numeration of any ordinance, whether or not previously codified, which is codified in this code is hereby ratified and by this ordinance adopted as an amendment to any such ordinance.

(Ord 1154 §11)

1.01.100 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional and if for any reason this code should be declared invalid or unconstitutional, then original ordinance or ordinances shall be in full force and effect.

(Ord 1154 §12)

Chapter 1.04**GENERAL PROVISIONS****Section:**

- 1.04.010** **Definitions.**
- 1.04.020** **Grammatical interpretation.**
- 1.04.025** **Definitions and grammatical interpretation to apply to other rules, regulations, procedures, etc.**
- 1.04.030** **Prohibited acts include causing, permitting, etc.**
- 1.04.040** **Construction.**
- 1.04.050** **Repeal shall not revive any ordinances.**
- 1.04.060** **Official time.**
- 1.04.070** **Effect of mailing on due dates.**
- 1.04.080** **Designation of meeting place for city council meetings.**
- 1.04.090** **Manner of serving notices.**
- 1.04.100** **Provision of false information.**
- 1.04.110** **Code violations - Separate offenses.**
- 1.04.120** **Code violations - Criminal actions.**

1.04.010 **Definitions.**

The following words and phrases whenever used in the ordinances of the city of Chico, California, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words and phrases:

- A. "City" means the city of Chico, California, or the area within the territorial limits of the city of Chico, California, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Clerk" means the city clerk of the city.
- C. "Code," "the code," "this code," "the city code" or "the Chico City Code" shall mean the "Chico Municipal Code" as published by Book Publishing Company in 1975. References to the code for purposes of citation may be "CMC" followed by the applicable code section.
- D. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.
- E. "Council" means the council of the City of Chico, California. "All its members" or "all council members" or "councilmembers" means the total number of council members or councilmembers provided by the charter of the city.
- F. "County" means the county of Butte.
- G. "Day" means the period of time between any midnight and the midnight following.
- H. "Daytime," "Nighttime." "Daytime" is the period of time between sunset and sunrise. "Nighttime" is the period of time between sunset and sunrise.
- I. "Joint Authority." All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- J. "Law" denotes applicable federal law, the Constitution and statutes of the state of

California.

- J-1. "Housing unit" means a house, apartment, group of rooms or a single room occupied or intended for occupancy as separate living quarters in which the occupants or intended occupants do not live and eat with any other persons in the structure and which have either:
1. Direct access from the outside of the building or through a common hall, or
 2. Complete kitchen facilities for the exclusive use of the occupants or intended occupants.
- K. "License or permit - Words authorizing issuance." Words prohibiting anything from being done, except in accordance with a license or permit, or authority from a board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.
- L. "May" is permissive.
- M. "Month" means a calendar month.
- N. "Must" and "shall." Each is mandatory.
- O. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- P. "Officers, Departments, Boards, Commissions, and Employees" shall mean officers, departments, boards, commissions, and employees of the city, unless the context clearly indicates otherwise.
- Q. "Or" may be read "and" and "and" may be read "or" if the sense requires it.
- R. "Ordinance" means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution. Reference to any non-codified city ordinance for citation purposes may be "CC Ord." preceded by the section number, if any, and followed by the ordinance number.
- S. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
- T. "Parks and playgrounds" means the public lands placed by the Charter or hereafter placed by the city council under the charge of the Bidwell Park and Playground commission, and those parts of public squares and places which do not form traveled parts of highways.
- U. "Person" means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- V. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- W. "Preceding" and "following" mean next before and next after, respectively.
- X. "Process" means a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.
- Y. "Property" includes real and personal property.
- Z. "Real property" includes lands, tenements and hereditaments.
- AA. "Sidewalk" means that portion of a street between the curb line (in the absence of a curb line, the curb line shall be deemed to be that as established by and shown in the records of the department of capital projects services of the city) and the adjacent property line intended for the use of pedestrians.

- BB. "Signature or subscription by mark" means a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.
- CC. "State" means the state of California.
- DD. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- EE. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.
- FF. "Title of Office." Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city.
- GG. "Week." A week consists of seven consecutive days.
- HH. "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.
- II. "Written" includes printed, typewritten, mimeographed or multigraphed.
- JJ. "Year" means a calendar year.
- KK. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- LL. When an act is required by an ordinance the same being that it may be done as well as an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.
- (Prior code §1.2 (Ord. 224 §3, Ord. 1073 §2, Ord. 1111 §2, Ord. 1193 §1), Ord. 2268, Ord. 2364 §1)

1.04.020 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city of Chico, California:

- A. Gender. Any gender includes the other genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa.
- D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

(Prior code §1.2-1 (Ord. 1073 §2))

1.04.025 Definitions and grammatical interpretation to apply to other rules, regulations, procedures, etc.

The definitions set forth in Section 1.04.010 and the grammatical interpretation provisions set forth in Section 1.04.020 of this chapter shall apply to all other rules, regulations, procedures, fee schedules and the like, adopted or established pursuant to the provisions of this code, unless from the context a different meaning is intended or unless

a different meaning is specifically defined in such rules, regulations, procedures, fee schedules and the like.

(Ord. 1193 §2)

1.04.030 Prohibited acts - Scope.

Whenever in the ordinances of the city, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

(Prior code §1.2-2 (Ord. 1073 §2), Ord. 2268)

1.04.040 Construction.

The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

(Prior code §1.2-3 (Ord. 1073 §2), Ord. 2268)

1.04.050 Repeal shall not revive any ordinances.

- A. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.
- B. The repeal of an ordinance or any part thereof shall not effect any punishment or penalty incurred, levied or otherwise ordered before the repeal took effect.
- C. The repeal of an ordinance or any part thereof, if the violation thereof constitutes a misdemeanor under this code, shall not affect any prosecution for a violation thereof occurring prior to the effective date of the repeal.
- D. The repeal of an ordinance or any part thereof or the amendment thereof which has the effect of changing the grounds, conditions, or other criteria upon which any act is authorized or not authorized under this code, shall not affect any determination finally made by the council, commission or other body authorized hereunder to authorize or not authorize such act, provided that such final determination occurs before the effective date of such repeal or amendment, notwithstanding that the final determination of such body is not final by reason of the existence of the right of appeal or other review under this code, the proceedings of which are pending at the time of the effective date of such repeal or amendment. It is intended that this provision be interpreted so that all appeals or other reviews of determinations made under this code shall be conducted with respect to the law applicable at the time of the determination appealed from without reference to subsequent repeals of or amendments to the provisions under which the determinations were made. Nothing herein shall prohibit a reconsideration of the determination by the determining body pursuant to the law applicable subsequent to the effectiveness of such repeal or amendment where a reconsideration is directed by the body considering the appeal or review upon grounds other than the subsequent effectiveness of the ordinance repealing or amending the provisions under which the determination was originally made.

(Prior code §1.4 (Ord. 224 §3, Ord. 1073 §2))

1.04.060 Official time.

Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Saving Time as may be in current use in the city.

(Prior code §1.6)

1.04.070 Effect of mailing on due dates.

A. The following provisions regarding the time of receipt apply to all notices or other documents filed with or delivered to the city on or before a specified date as required by this code.

1. Notices or other documents filed or delivered by mail, registered mail, certified mail, or express mail shall be sent through the United States Postal Service or other express mail service, in a sealed envelope, with appropriate postage paid, and addressed to the city. Notices or other documents shall be deemed received by the city on the date that they are actually received by the city. Postmarks or cancellation marks shall not be used to determine the time of receipt by the city.
2. Notices or other documents filed or delivered by electronic mail shall be deemed received by the city at the time of transmission as electronically stamped by the electronic mail system maintained by the city.
3. Notices or other documents filed or delivered by facsimile transmission shall be deemed received by the city at the time of transmission as electronically stamped by a facsimile machine maintained by the city.

B. The following provisions regarding the time of receipt apply to all payments made or delivered to the city on or before a specified date as required by this code.

1. All payments to be made to the city as required by this code shall be delivered personally, by mail, or by electronic payment to the city on or before the specified payment due date. Payments delivered by mail, registered mail, certified mail, or express mail shall be sent through the United States Postal Service or other express mail service, in a sealed envelope, with appropriate postage paid, and addressed to the city. Payments delivered electronically shall be deemed received by the city at the time of transmission as electronically stamped by the electronic payment system maintained by the city.
2. Payments shall be deemed received by the city on the date that payments are actually received by the city. Postmarks or postal cancellation marks shall not be used to determine the time of receipt by the city, except for payments for parking citations issued pursuant to this code.

(Prior code §1.6-1 (Ord. 879 §1, Ord. 2113 §1) Ord. 2295 §2)

1.04.080 Designation of meeting place for city council meetings.

All meetings of the city council shall be held in the Council Chamber Building located on the block bounded by East Fourth Street, East Fifth Street, Main Street and Wall Street, or in such other place to which any such meeting may be adjourned.

(Ord. 1224 §2)

1.04.090 Manner of serving notices.

Except as otherwise provided in this code, any notice required to be served on a person pursuant to the provisions of this code shall be deemed served when made in writing and either personally delivered to such person or deposited in the United States mail, first class postage prepaid, addressed to such person at the person's last known

address. However, when a notice is required to be served on the owner of property or any other premises located within the city, such notice shall be deemed served when made in writing and deposited in the United States mail, first class postage prepaid, addressed to the owner at the owner's address as it appears on the last equalized or supplemental assessment roll of the County of Butte. Service of a notice by mail in the manner provided for by this section shall be effective on the date of mailing. The failure of any person to actually receive such notice shall not affect the validity of the notice. (Ord. 1983, Ord. 2268)

1.04.100 Provision of false information.

Any person who intentionally supplies false information on or incidental to an application for any city permit, grant, or entitlement shall be guilty of an infraction punishable by a fine of not more than \$1,000,00. (Ord. 1983, Ord. 2048 §3)

1.04.110 Code violations - Separate offenses.

A separate offense is committed for each and every transaction, event, or occurrence in violation of any regulatory or prohibitory provision of this code. A separate offense is committed for each and every day or part of a day during which any such violation is caused, committed, continued, or permitted. Each offense is punishable separately from every other offense. (Ord. 2180 §2)

1.04.120 Code violations - Criminal actions.

A violation of any regulatory or prohibitory provision of this code is an infraction, unless such provision shall otherwise provide that it is a misdemeanor, and each violation is punishable as set forth in the Charter of the City of Chico. A criminal prosecution for any violation of this code may be initiated immediately upon the occurrence of the violation and the use of any other civil or administrative remedy, review or appeal procedure which may otherwise be provided for in this code shall not be considered a prerequisite for the initiation of such criminal prosecution. The criminal prosecution of any violation of this code does not preclude the city from the further initiation of any other civil or administrative proceeding which may be available as a remedy for such violation. (Ord. 2069; Ord. 2113 §7; Ord. 2180 §3)

Chapter 1.08²

CITY SEAL

Section:

1.08.010 Form.

1.08.020 Validation of previous acts.

1.08.010 Form.

The common seal of the city shall be of the size and form and bearing the inscription and figures therein, as follows: A circle two inches in diameter, with the following inscription therein near the edge of the stamping and embossing part thereof: "City of Chico, Butte County, California," within which and occupying the center of the circle, the bust of General John Bidwell, above which is written the legend, "City of Roses" and below which is written the name "John Bidwell," similar to the following:



(Prior code §1.11 (Ord. 224 §67))

1.08.020 Validation of previous acts.

All acts heretofore done requiring the use of the city seal, and all papers sealed with such city seal since its first adoption, are hereby declared to be due and legal acts and papers of such city, and the due and legal seal of such city, and all acts heretofore done, and all proceedings and all papers impressed with such city seal since that date are hereby validated and declared legal.

(Prior code §1.12 (Ord. 224 §68))

Chapter 1.12**RIGHT OF ENTRY FOR INSPECTION****Section:****1.12.010 Right of entry procedures.****1.12.010 Right of entry procedures.**

A. Whenever necessary to make an inspection to enforce any ordinance or resolution or the provisions of any secondary code adopted by any ordinance, or whenever there is reasonable cause to believe that there exists a violation of any provision of such ordinance, resolution or code in any building, or upon any premises, or whenever any authorized official of the city has reasonable cause to believe that any building or premises is unsafe, substandard, unsanitary, or dangerous as defined in any provision of any such ordinance, resolution or code, any authorized official of the city may enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by any provision of such ordinance, resolution or code. However, except in emergency situations, when consent of the owner and/or occupant to the inspection has not been otherwise obtained, the official shall give notice as follows:

1. If the building or premises is occupied, the official shall first present to the occupant city-issued credentials that include the official's name, position, title, and photograph. The official shall then request entry at a time convenient to the occupant within 24 hours of the time of the request;
2. If the building or premises is unoccupied, the official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises, and if located, the official shall present credentials to the owner or other person and then request entry at any time convenient to such owner or other person, but within 24 hours of the time of request;
3. If the owner or other person is located outside of the city, the official may notify that person by telephone or letter, and in doing so shall transmit sufficient information to identify the official's capacity to the owner or other person and may request entry at a time convenient to such owner or other person, within 72 hours of such telephonic request, or the receipt of such letter.

If entry is refused by the occupant, the owner, or other person having charge or control of the building or premises, or the official, after making a reasonable effort, cannot locate the owner, or other person having charge or control of the building or premises, so as to request entry, then the official may seek and obtain an appropriate inspection order, inspection warrant, search warrant, or such other available remedy provided by law to secure entry to such building or premises.

B. "Authorized official" as used in this section refers to any official of the city, their deputies, assistants, and authorized employees who are charged with the enforcement of a particular provision of any ordinance, resolution, or secondary code adopted by ordinance.

(Prior code §1.22 (Ord. 1071 §1), Ord. 2268)

Chapter 1.14

NUISANCE ABATEMENT

Section:

- 1.14.010 Purpose.**
- 1.14.020 Findings.**
- 1.14.025 Administration of nuisance abatement procedures.**
- 1.14.030 Nuisance defined.**
- 1.14.040 Manner of serving notices.**
- 1.14.050 Request to abate nuisance.**
- 1.14.060 Nuisance abatement order - Initiation of proceedings.**
- 1.14.070 Nuisance abatement order - Notice of hearing.**
- 1.14.080 Nuisance abatement order - Hearing on proposed order.**
- 1.14.090 Nuisance abatement order - Action on proposed order.**
- 1.14.100 Nuisance abatement work performed by or on behalf of the city.**
- 1.14.110 Assessment for city abatement costs - Initiation of assessment proceedings.**
- 1.14.120 Assessment for city abatement costs - Notice of hearing on assessment.**
- 1.14.130 Assessment for city abatement costs - Hearing on proposed assessment.**
- 1.14.140 Assessment for city abatement costs - Adoption of council resolution levying assessment.**
- 1.14.150 Assessment for city abatement costs - Service of council resolution levying assessment.**
- 1.14.160 Collection of assessment by recordation of council resolution levying assessment - Recordation of council resolution.**
- 1.14.170 Collection of assessment by recordation of council resolution levying assessment - Commencement of foreclosure action.**
- 1.14.180 Collection of assessment by recordation of council resolution levying assessment - Release of assessment lien.**
- 1.14.190 Collection of assessment on county tax rolls - Requests for inclusion of assessment on county tax rolls.**
- 1.14.200 Collection of assessment on county tax rolls - Payment of assessment.**
- 1.14.210 Summary nuisance abatement.**
- 1.14.220 Civil action to abate nuisance.**
- 1.14.230 Penalty.**

1.14.010 Purpose.

This chapter is adopted pursuant to the municipal affairs provisions of the City Charter and to Article 6, Chapter 10, Part 2, Division 3 of the Government Code (commencing with §38777) for the purpose of defining those conditions of real property in the city which constitute nuisances, and for the further purpose of establishing procedures for ordering the abatement of a nuisance, authorizing city personnel to undertake the work necessary to abate such nuisance in the event of non-compliance with such abatement order, levying an assessment against the owner of the property on which such nuisance abatement work was performed in the amount of city's abatement costs,

and either causing a lien to be recorded against such property in the amount of such assessment costs or causing such assessment to be added to the county assessment rolls and collected at the same time and in the same manner as property taxes.

(Ord. 1891 (part))

1.14.020 Findings.

The city council finds as follows:

- A. That there are numerous buildings, structures and other conditions on or pertaining to real property located in the city which constitute nuisances as defined in this chapter;
- B. That the continued existence of such nuisances is injurious to the public health, safety and welfare;
- C. That abatement of such nuisances in the manner provided by this chapter is a proper exercise of the city's police powers and is specifically authorized by Article 6, Chapter 10, Part 2, Division 3 of the Government Code (commencing with Section 38777); and
- D. That abatement of such nuisances in the manner provided by this chapter is reasonable and affords to the owner of the property on which the nuisance is located all of the due process rights guaranteed by the federal and state constitutions.

(Ord. 1891 (part))

1.14.025 Administration of nuisance abatement procedures.

This chapter shall be administered by the housing and neighborhood services director. All references to "director" in this chapter shall refer to the director of housing and neighborhood services department.

(Ord. 2364 §2)

1.14.030 Nuisance defined.

For purposes of this chapter, "nuisance" means any of the following:

- A. A condition of real property or a building, structure, improvement or other thing located on real property that violates any provision of this code, including but not limited to:
 - 1. Real property developed or used in a manner that violates the land use regulations adopted directly or by reference in this code;
 - 2. A substandard building or a dangerous building or structure maintained in violation of the housing regulations or dangerous building regulations adopted by or pursuant to this code; or
 - 3. A building or structure constructed, maintained or used in violation of the building regulations or fire regulations adopted by or pursuant to this code.
- B. A condition of real property or a building, structure, improvement, or other thing on real property that endangers the public health, safety or welfare, including but not limited to:
 - 1. A tree that is subject to disease or insect infestation likely to spread or is structurally unsound by reason of old age, disease, fire or other cause;
 - 2. A failing private sewage disposal system;
 - 3. An unprotected excavation or an abandoned and uncovered well; or
 - 4. A well with a casing not sealed as required by applicable regulations.
- C. A condition of real property or a building, structure, improvement, or other thing on

real property that is unsightly and, by reason thereof, contributes to a diminution in the value of surrounding properties, including but not limited to:

1. An accumulation of lumber, unused equipment, or junk visible from a public right-of-way or surrounding properties;
 2. An abandoned and dilapidated building or portion of a building; or
 3. Dilapidated furniture in yards or on driveways, sidewalks, roofs or unenclosed balconies or porches.
- D. A condition of real property or a building, structure, improvement or other thing on real property that is an attractive nuisance (i.e., a dangerous or potentially dangerous condition of property likely to attract children and other curious people) including, but not limited to:
1. An unfenced or otherwise unenclosed outdoor swimming pool; or
 2. Unused refrigerators, freezers or ice boxes stored, without the doors removed, outside a building or other enclosed structure.
- E. A condition of real property, or of a building, structure, or improvement on real property, resulting directly or indirectly from the violation of:
1. Any regulatory or prohibitory provision of city, state or federal law or regulation applicable to the property or the occupancy of any structure; or
 2. Any condition of approval or mitigation measure imposed upon the subdivision of land, any permit or any other entitlement for the use of land.
- F. Any other condition of real property, or of any building, structure, or improvement on real property, declared to be a nuisance by any statute of the State of California, or recognized to be a public nuisance by the common law of this state.

(Ord. 1891 (part), Ord. 2312 §1)

1.14.040 Manner of serving notices.

Except as expressly otherwise provided by this chapter, any notice or other document required to be served on an owner of property pursuant to this chapter shall be deemed served when either personally delivered to such property owner or when deposited in the United States mail, certified and return receipt requested, addressed to the owner at the owner's address as it appears on the last equalized or supplemental assessment roll of the County of Butte, whichever is more current. Service by mail of a notice or other document in the manner provided for herein shall be effective on the date of mailing. The failure of any person to actually receive such notice shall not affect the validity of the notice.

(Ord. 1891 (part), Ord. 2268)

1.14.050 Request to abate nuisance.

If the director determines that a nuisance exists that may be abated under this chapter, the director shall serve the owner of such property with a written request to abate that nuisance prior to initiating nuisance abatement proceedings under this chapter. The request shall describe the nuisance to be abated, set forth a reasonable time to abate the nuisance, and advise the property owner that if the nuisance is not so abated, the owner of the property may be subject to proceedings under this chapter or other provisions of law appropriate to achieve abatement of the nuisance. However, when nuisance conditions arise out of a violation of the provisions of this code or any condition of approval of a subdivision or any permit or other entitlement for the use of land, and a written notice of such violation was previously served on the property owner by the director or by any

other city officer or employee, the director shall not be required to serve the owner with a separate request to abate the nuisance.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2312 §2, Ord. 2364 §3)

1.14.060 Nuisance abatement order - Initiation of proceedings.

- A. Upon determining that a nuisance exists, the director, with the approval of the city manager, may initiate proceedings before the city council to abate the nuisance by preparing a proposed nuisance abatement order, transmitting such order to the city clerk, and giving the notice required by Section 1.14.070. The clerk shall schedule the order for consideration by the council at the next regular council meeting to be held after the notice is given.
- B. The proposed nuisance abatement order shall:
1. Describe the alleged nuisance with particularity and the property on which such nuisance is located, by a legal description, assessor's parcel number and, where possible, a street address;
 2. Include as an exhibit a map depicting the property;
 3. Identify the owner of the property;
 4. Include any terms or conditions the director deems appropriate in the circumstances, including but not limited to any requirements for permits related to work that caused the nuisance or that is required for its abatement; and
 5. Set a date by which the nuisance must be abated in accordance with the terms of such order.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2312 §3, Ord 2364 §4)

1.14.070 Nuisance abatement order - Notice of hearing.

At least 10 days prior to the scheduled date of a public hearing before the city council on a proposed nuisance abatement order, the director shall cause notice of the time and place of such hearing and a copy of such order to be served on the owner of the property on which the alleged nuisance is located, and on any person known to the building official to be occupying all or any part of such property if such person or persons is someone other than the owner of the property. In addition, at least 10 days prior to the date of a public hearing before the city council on a proposed nuisance abatement order, the director shall cause a notice which sets forth the time, date and place of the hearing on such order as well as a statement of the substance of the order to be posted in a conspicuous place on or near the property on which the alleged nuisance is located.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord 2364 §5)

1.14.080 Nuisance abatement order - Hearing on proposed order.

At the time and place set for the hearing on the proposed nuisance abatement order, the city council shall consider a report of the director on such order and all other relevant evidence bearing on the order, including, in particular, any objection to the order presented by the owner of the property upon which the alleged nuisance is located. At the conclusion of the hearing, the city council, based on such evidence, shall determine whether any of the alleged nuisance conditions described in the proposed nuisance abatement order exists on the real property which is the subject of the order, whether such conditions constitute a nuisance within the meaning of this chapter, and if a nuisance is found to exist on the property which is the subject of the order, whether the time for abating the nuisance as set forth in the proposed order is appropriate, given all of the circumstances of the case.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2364 §6)

1.14.090 Nuisance abatement order - Action on proposed order.

If, after considering the proposed nuisance abatement order at a public hearing in the manner hereinafter provided by this chapter, the city council finds that a nuisance does exist on the property which is the subject of the order, the city council shall, by resolution, approve the order together with any modifications thereto which it deems appropriate. Following adoption of such order, the city clerk shall immediately transmit a certified copy of the order to the director who shall promptly cause the same to be served on the owner of the property which is the subject of the order. If, on the other hand, the council should not find that a nuisance exists on the property which is the subject of the proposed nuisance abatement order, the proceedings on such order shall be deemed dismissed.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2364 §7)

1.14.100 Nuisance abatement work performed by or on behalf of the city.

Where a property owner has failed to abate a nuisance within the time prescribed by a nuisance abatement order approved by the city council and served on such property owner in the manner provided for by this chapter, the director shall cause the nuisance to be abated either by the use of city forces or, with approval of the city manager, by employing a private contractor to perform such work. However, the director shall not enter upon or cause any other person to enter upon the property which is the subject of a nuisance abatement order for the purpose of performing abatement work thereon without the prior written consent of the property owner unless and until a warrant or other order has been obtained by the city attorney on behalf of the city from a court of competent jurisdiction which authorized an entry on such property for such purpose.

When undertaking work necessary to abate a nuisance following the failure of the owner of the property on which such nuisance is located to abate the nuisance within the time prescribed by a nuisance abatement order, the director shall keep an accurate record of the nature of such work and all direct and indirect costs incurred in connection with the performance of such work. In those cases in which the director has employed a private contractor to perform nuisance abatement work, such indirect costs shall include the cost of preparing plans and specifications for the work, the cost of preparing, bidding and awarding a contract for performance of the work, and the cost of inspecting the work.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2364 §8)

1.14.110 Assessment for city abatement costs - Initiation of assessment proceedings.

Upon completion of the work necessary to abate a nuisance following the failure of the owner of the property on which the nuisance is located to abate such nuisance within the time prescribed by a nuisance abatement order approved by the city council and served on such property owner in the manner provided for by this chapter, the director shall promptly transmit a copy of the record of any abatement costs prepared by the director in connection with such work to the city clerk. Upon receipt of such record of city abatement costs, the city clerk shall schedule a hearing before the city council at the first regular meeting of the city council following the twentieth day after receipt of such record for the purpose of confirming such abatement costs and levying an assessment in the amount of the abatement costs against the owner of the property upon which such abatement work was performed.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2364 §9)

1.14.120 Assessment for city abatement costs - Notice of hearing on assessment.

At least ten days prior to the scheduled date of a public hearing before the city council on assessment for city abatement costs, the director shall cause a notice of the time and place of such hearing and a copy of the record of city abatement costs which was prepared by the director to be served on the owner of the property on which abatement work was performed and for which such abatement costs were incurred.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2364 §10)

1.14.130 Assessment for city abatement cost - Hearing on proposed assessment.

At the time and place set for the hearing on an assessment for city abatement costs, the city council shall consider the record of city abatement costs prepared by the director, as well as all relevant evidence bearing on the reasonableness of the city abatement costs, including, in particular, any protest to such abatement costs made by the owner of the property upon which abatement work was performed and for which such abatement costs were incurred. At the conclusion of the hearing, the city council shall determine whether the abatement work performed by the director was necessary to abate the nuisance required by the nuisance abatement order issued by the city council served on the owner of the property upon which such nuisance was located in the manner provided for by this chapter, and whether the costs of such nuisance work was reasonable, given all of the circumstances of the case.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2364 §11)

1.14.140 Assessment for city abatement costs - Adoption of council resolution levying assessment.

After considering city abatement costs at a public hearing in the manner hereinbefore provided by this chapter, the city council shall, by resolution, confirm such costs or any part thereof found by the council to be reasonable, and shall levy an assessment against the owner of the property on which the abatement work was performed in the amount of such costs. In addition to levying an assessment against the owner of the property upon which city abatement work was performed in an amount of the city's abatement costs, the council resolution shall set forth the date of the nuisance abatement order and a brief description of the abatement work performed by or on behalf of the city, shall describe the property upon which such work was performed by legal description, assessor's parcel number, and where possible by a street address, shall contain the name and current address of the owner of such property and shall state that payment of the assessment shall be due immediately upon service of the resolution on the owner of the property in the manner hereinafter provided by this chapter. Moreover, in its resolution the city council shall provide for collection of the assessment in the event of nonpayment either by recordation of the council resolution in the manner provided for by Section 38773.1 of the California Government Code, or by including the assessment on the county tax rolls in the manner provided for by Section 38773.5 of the Government Code. Following adoption of the council resolution, the city clerk shall immediately transmit two certified copies of the resolution to the director.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord 2364 §12)

1.14.150 Assessment for city abatement costs - Service of council resolution levying assessment.

Following receipt of a council resolution levying an assessment for city abatement costs, the director shall cause the resolution to be served on the owner of the property upon which city abatement work was performed in the following manner:

- A. If the council resolution levying the assessment provides for collection of the assessment by recordation of the resolution against the property upon which city abatement work was performed, the director shall cause a copy of the resolution to be served on the owner of such property in the same manner as required by law for the service of a summons in a civil action, as set forth in Article 3, Chapter 4, Title 5 of Part 2 of the Code of Civil Procedure (commencing with Section 415.10); provided, however, that in the event the owner of the property upon which the city abatement work was performed cannot be found after a diligent search for same, the director shall serve the council resolution by posting a copy thereof in a conspicuous place on or next to such property for a period of 10 days, and by publishing a copy of the resolution in a newspaper of general circulation in the county of Butte in the manner provided for by Section 6062 of the Government Code.
- B. If the council resolution levying the assessment provides for collection of the assessment by inclusion of the assessment on the county tax rolls, the director shall cause a certified copy of the resolution to be served on the owner of the property upon which the city abatement work was performed in the manner provided for by Section 1.14.040 of this chapter.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2364 §13)

1.14.160 Collections of assessment by recordation of council resolution levying assessment - Recordation of council resolution

Where the council has adopted a resolution levying an assessment for city abatement costs and has provided in such resolution for the collection of such abatement costs by recording the resolution against the property on which the city abatement work was performed, the director, promptly after completing service of the council resolution in the manner hereinbefore required by this chapter, shall attach an affidavit or declaration attesting to such service to a certified copy of the resolution, and shall cause such certified copy of the resolution, with the declaration or affidavit attached, to be recorded in the official records of the county of Butte. After the date of such recordation, the assessment provided for by such resolution shall constitute a lien against the property upon which city abatement work was performed and shall have the same force, effect and priority as a judgment lien.

(Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2364 §14)

1.14.170 Collection of assessment by recordation of council resolution levying assessment - Commencement of foreclosure action.

When directed to do so by the city council, the city attorney shall commence an action in a court of appropriate jurisdiction to foreclose the assessment lien for city abatement work which was established by recordation of the council resolution levying the assessment for such abatement work in the manner hereinbefore provided by this chapter. In such action the city shall be entitled to recover any costs incurred for the purpose of processing, serving or recording such resolution.

(Ord. 1891 (part))

1.14.180 Collection of assessment by recordation of council resolution levying assessment - Release of assessment lien.

At such time as the lien created by recordation of the council resolution levying an assessment for city abatement costs is discharged or satisfied, either through payment of the lien, or by sale of the property encumbered by the lien at the conclusion of a foreclosure action, the director shall promptly cause a release of the lien, in a form approved by the city attorney, to be recorded in the official records of the county of Butte. (Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2364 §15)

1.14.190 Collection of assessment on county tax rolls - Requests for inclusion of assessment on county tax rolls.

Where the city council has adopted a resolution levying an assessment for city abatement costs and has provided in such resolution for the collection of such assessment on the county tax rolls, the director, after serving the resolution in the manner hereinbefore required by this chapter, shall promptly transmit a certified copy of the resolution to the finance director who shall immediately forward same to the Butte County auditor with a request that the assessment levied by such resolution be added to the county tax rolls in the manner provided for by Section 38773.5 of the Government Code. Thereafter all laws applicable to the levy, collection and enforcement of property tax shall be applicable to such special assessment. (Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2113 §1, Ord. 2364 §16)

1.14.200 Collection of assessment on county tax rolls - Payment of assessment.

If the assessee should pay to the city the full amount of an assessment levied for city abatement costs, together with any interest or penalties thereon, after the date the assessment is added to the county tax rolls, the city finance director shall promptly cause such assessment to be removed from the tax rolls. (Ord. 1891 (part), Ord. 2113 §1)

1.14.210 Summary nuisance abatement.

Where the director determines that the nuisance conditions exist on real property located in the city, that the owner of such property is unavailable or has failed or refused to abate such nuisance after having been personally served with a request to abate same, that the nuisance constitutes a substantial and immediate threat to the public health or safety, and that any further delay in abating the nuisance would pose an unreasonable risk of harm to persons or property, the director, with the approval of the city manager, may cause the nuisance to be summarily abated in the manner hereinbefore provided by this chapter without a nuisance abatement order issued by the city council in the manner hereinbefore required by this chapter. In the event the director causes a nuisance to be summarily abated in the manner authorized by this section, the director shall prepare a written report setting forth the justification for such summary abatement procedures and forward such report to the city council for consideration along with the record of city abatement costs at the first regular meeting of the city council following the twentieth day after completion of abatement work. (Ord. 1891 (part), Ord. 2012 §3 (part), Ord. 2364 §17)

1.14.220 Civil action to abate nuisance.

Nothing in this chapter shall be deemed to preclude the city attorney from commencing a civil action to abate a nuisance in the manner provided for by the laws of this state as an alternative to the administrative nuisance abatement proceeding provided for by this chapter.

(Ord. 1891 (part))

1.14.230 Penalty.

Any person who removes or defaces a proposed nuisance abatement order or other notice which is posted in the manner provided for by this chapter is guilty of a misdemeanor punishable by imprisonment in the county jail for a period not exceeding six months, or by a fine not exceeding one thousand dollars, or by both.

(Ord. 1891 (part))

Chapter 1.15

ADMINISTRATIVE CITATIONS

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ARTICLE I. GENERAL PROVISIONS**1.15.010 Purpose.**

This chapter is adopted pursuant to the municipal affairs provision of the city charter and California Government Code section 53069.4 to provide for the imposition of an administrative fine for any violation of this code and to set forth the procedures for the imposition and collection of such fines.

(Ord. 2180 §§ 4, 5)

1.15.020 Applicability.

This chapter provides for administrative citations in addition to all other civil remedies and as an initial alternative to any criminal remedy which may be pursued by the city to address any violation of this code. The use of this chapter shall be at the sole discretion of the city. The use of any other enforcement proceedings provided for by this code shall not be considered a prerequisite for the use of this chapter, nor shall the use of this chapter be considered a prerequisite for the use of any other enforcement proceedings. This chapter shall not apply to violations of parking regulations which are subject to civil penalties pursuant to chapter 10.55 of this code.

(Ord. 2180 §§ 4, 5)

1.15.030 Definitions.

As used in this chapter:

- A. "Director" means the city finance director or a designee.
- B. "Enforcing department" means the city department in which an enforcing officer is employed.
- C. "Enforcement officer" means any city employee or agent authorized to enforce any provision of this code.

(Ord. 2180 §§ 4, 5, Ord. 2268)

1.15.040 Administrative citations.

- A. Authorization to Issue Administrative Citation. An enforcement officer who determines that a violation of this code has occurred has the authority to issue an administrative citation to any person responsible for the violation. "Person responsible for a violation" includes the person or persons actually committing or causing the violation and, in cases involving a violation of building, electrical, plumbing, or zoning regulations set forth in this code, or any violation of Title 16, 16R, or 19 of this code, shall also include each owner of the property upon which the violation occurs.
- B. Notice of Violation in Lieu of Administrative Citation. If the violation consists of a violation of building, electrical, plumbing or zoning regulations set forth in this code, or any violation of Title 16, 16R or 19 of this code, the enforcement officer may defer issuance of an administrative citation until the person responsible for a violation has first been given notice of the violation and an opportunity to correct the violation, in accordance with the procedures set forth in this chapter.
- C. Administrative Citations in Lieu of Criminal Citations. An administrative citation may be issued pursuant to this section in lieu of any criminal citation which could have been issued for the same violation. The issuance of the administrative citation shall not, however, prevent the issuance of a criminal citation or filing of a complaint

for:

1. The same violation when any administrative fine imposed pursuant to this chapter has not been paid by the date payment is due, or
 2. A subsequent violation of the same nature.
- D. Contents of Administrative Citation. Each administrative citation shall contain the following information:
1. The date of the violation;
 2. The address or a definite description of the location where the violation occurred or is occurring;
 3. The section of this code which has been violated and a description of the violation;
 4. The amount of the administrative fine for the code violation;
 5. A description of the fine payment process, including the date upon which the fine is due and the place at which the fine shall be paid;
 6. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;
 7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the manner in which review of the citation may be requested; and
 8. The name of the citing enforcement officer.
- E. Service and Filing of Administrative Citations. The enforcement officer shall serve the original citation on the person cited in the manner set forth in this chapter and shall forward a copy of the administrative citation to the finance department.

(Ord. 2180 §§ 4, 5, Ord. 2364 §18)

1.15.050 Amount of administrative fines.

The amounts of the administrative fines imposed for code violations under this chapter shall be established by resolution of the city council. That resolution shall also set forth any increased fines for repeat violations of the same code provision by the same person within 12 months from the date of a previous administrative citation.

(Ord. 2180 §§ 4, 5)

1.15.060 Payment of administrative fines.

An administrative fine shall be paid to the city within 21 calendar days from the date of the administrative citation or, if a request for an initial administrative review is submitted, within 15 calendar days of the date of the notice that the administrative review determined that the citation should not be canceled. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.

(Ord. 2180 §§ 4, 5)

1.15.070 Delinquent administrative fines - Penalties and interest.

- A. Penalties. The director shall add a penalty of ten percent to the original amount of any delinquent administrative fine on the last day of each month after the due date thereof. However, the total amount of such penalties to be added shall not exceed 50 percent of the amount of the administrative fine.
- B. Interest. In addition to the penalties imposed, any recipient of an administrative citation who fails to remit an administrative fine by its due date shall pay interest at

the rate of one percent per month, or fraction thereof, on the amount of the delinquent administrative fine, exclusive of penalties, from the first day of delinquency until paid.

(Ord. 2180 §§ 4, 5)

1.15.080 Issuance of Permits.

Whenever an administrative citation has been issued for the undertaking of any activity without a permit, license, or franchise required by this code and the amount of the administrative fine imposed for that violation is delinquent, no permit, license, or franchise for that activity shall be issued unless and until the delinquent administrative fine and any applicable penalties and interest are first paid.

(Ord. 2180 §§ 4, 5, Ord. 2189 §5)

1.15.090 Service of administrative citations and other notices.

The administrative citation and all notices authorized or required to be given by this chapter shall be deemed served when made in writing and either personally delivered to the person cited or responsible for the violation or deposited in the United States mail, first class postage prepaid, addressed to such person at the last known address. However, if a citation or notice is required to be served on the owner of property, it shall be deemed served when made in writing and deposited in the United States mail, addressed to the owner at the owner's address as it appears on the latest equalized or supplemental assessment roll of the County of Butte. Service of a citation or notice by mail in the manner provided for by this section shall be effective on the date of mailing, and the failure of any person to actually receive any citation or notice specified in this chapter shall not affect the validity of the citation or notice or of the proceedings conducted hereunder.

(Ord. 2180 §§ 4, 5, Ord. 2268)

ARTICLE II. NOTICE OF VIOLATION

1.15.100 Notice of violation - Generally.

Except as provided in section 1.15.110, when a violation consists of a violation of building, electrical, plumbing or zoning regulations set forth in this code, or any violation of Title 16, 16R, or 19 of this code, the enforcement officer may issue a written notice of violation to any person or persons responsible for the violation prior to the issuance of an administrative citation for that violation. The notice of violation shall contain all of the following:

- A. The date and location that the violation was observed;
- B. The section of this code violated and a description of the violation;
- C. The actions required to correct the violation;
- D. A reasonable time period for the correction of the violation; and
- E. Notice that if the violation is not corrected by the date specified in the notice of violation, an administrative citation may be issued and administrative fines may be imposed.

(Ord. 2180 §§ 4, 5)

1.15.110 Notice of violation - Exceptions.

An administrative citation may be issued in lieu of a notice of violation if:

- A. The person responsible for the violation was issued an administrative or infraction citation for violation of the same provision of this code within the immediately preceding 12 months;
- B. The violation constitutes, in the opinion of the enforcement officer, an immediate threat to the health or safety of any person or the public generally;
- C. One or more other violations exist on the property, any one of which is not subject to section 1.15.100; or
- D. The person responsible for the violation currently owes the city unpaid administrative fines that are delinquent.

(Ord. 2180 §§ 4, 5)

1.15.120 Correction of violation.

If the enforcement officer determines that all violations listed in the notice of violation have been corrected within the time specified in the notice of violation, an administrative citation shall not be issued. If the enforcement officer determines that all violations listed in the notice of violation have not been corrected within the time specified, an administrative citation may be issued for each uncorrected violation or the enforcement officer may invoke any other remedy provided by law.

(Ord. 2180 §§ 4, 5)

ARTICLE III. ADMINISTRATIVE REVIEW AND HEARINGS

1.15.130 Initial administrative review - Request.

Any person issued an administrative citation may, within 21 days of the issuance thereof, request an initial administrative review of the citation. The request for such initial administrative review shall be made in writing to the finance department and shall set forth the basis upon which that person asserts that a violation did not occur or that that person was not responsible for the violation, shall include a copy of the citation, and shall contain the address to which the conclusions of the review should be mailed. A request for an initial administrative review shall be a mandatory prerequisite to a request for an administrative hearing. There shall be no charge for this initial administrative review.

(Ord. 2180 §§ 4, 5, Ord. 2268, Ord 2364 §19)

1.15.140 Initial administrative review - Procedure.

The finance department shall forward requests for initial administrative review to the head of the enforcing department. Upon receipt of such requests from the finance department, the department head, or any designee thereof, shall cause the request to be reviewed and shall provide the finance department with a written notification that either:

- A. The citation should be canceled because it has been determined that there was no violation, or that the person cited was not responsible for the violation, and setting forth the basis for that conclusion; or
- B. No basis for the cancellation of the citation has been found and that the citation should not be canceled.

The finance department shall mail a copy of that notification to the person who received the administrative citation at the address set forth on the request for initial administrative review. If the review concludes that the citation should not be canceled, that mailing shall also include the date upon which the administrative fine is due, which shall be 15 days from the date of mailing of the notification, and the procedure for

requesting an administrative hearing.
(Ord. 2180 §§ 4, 5, Ord. 2364 §20)

ARTICLE IV. ADMINISTRATIVE HEARING PROCEDURES

1.15.150 Request for administrative hearing.

Any recipient of an administrative citation who is not satisfied with the result of an initial administrative review may contest that citation by requesting an administrative hearing. Such request must be made on or before the due date of the administrative fine. Requests for an administrative hearing shall be submitted to the finance department and shall be accompanied by an advance deposit of the fine or a request for a hardship waiver. Failure to deposit the amount of the fine or a request for a hardship waiver with a request for an administrative hearing shall be deemed to be a waiver of the right to a hearing.
(Ord. 2180 §§ 4, 5, Ord. 2364 §21)

1.15.160 Advance deposit - Hardship waiver.

Any person who requests a hearing to contest an administrative citation and who is financially unable to make the advance deposit of the administrative fine, as otherwise required by this chapter, may file for a hardship waiver. The request for a hardship waiver shall be filed with the finance department on such form and shall contain such information as may be designated by the director. Upon the filing of a hardship waiver, the director shall make a determination whether or not the advance deposit of the fine shall be waived. The director may waive the requirement of an advance deposit of the fine only if the person requesting the waiver submits to the director a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the director such person's actual financial inability to deposit the full amount of the fine with the city in advance of the hearing.

The director shall provide a written notice to the person requesting the waiver of the director's determination to issue or not issue the advance deposit hardship waiver. The written determination of the director shall be served upon the person who applied for the advance deposit hardship waiver by mail at the address provided in the waiver application. The determination of the director shall be final.

If the director determines not to issue an advance deposit hardship waiver, the person shall remit the advance deposit to the city no later than 10 days after the date of that decision. If a hardship waiver is not issued and the advance deposit is not made on or before the tenth day after the date of the notice of that decision, the applicant shall be deemed to have waived the applicant's right to an administrative hearing and the administrative fine shall be deemed to be delinquent.

(Ord. 2180 §§ 4, 5, Ord. 2268, Ord. 2364 §22)

1.15.170 Hearing officer.

The city manager shall designate one or more persons qualified by education or experience to serve as hearing officers for administrative hearings conducted under this chapter.

(Ord. 2180 §§ 4, 5)

1.15.180 Hearing date.

Upon receipt of a timely request for an administrative hearing and the advance deposit of the administrative fine, or the issuance of a hardship waiver, a date for the administrative hearing shall be set which is not less than 15 nor more than 60 days from the date the hearing is requested. Written notice of the date, time, and location of that hearing shall be provided to the person requesting the hearing at least 15 days prior to the hearing date. However, a hearing may be set less than 15 days from the date upon which it is requested if the person requesting the hearing provides a written waiver of that time limit and of the 15-day prior written notice of the hearing date, time, and location.

No administrative hearing shall be set or held unless the fine has been deposited in advance or an advance hardship waiver has been issued by the director.

(Ord. 2180 §§ 4, 5)

1.15.190 Conduct of hearings.

- A. Evidentiary Rules. At the hearing, the administrative citation shall constitute prima facie evidence of the respective facts contained in the citation. Both the party contesting the administrative citation and the enforcement officer shall be given the opportunity to testify and to present additional evidence concerning the administrative citation. Such evidence may include the testimony of other witnesses, or the introduction of documents or other evidence. Such testimony, written documents, or other evidence sought to be introduced shall not be limited to any legal rules of evidence, save and except for the rule that it shall be relevant and material to the issues of whether the violation alleged in the citation occurred and whether the person cited committed, caused or was responsible for the violation.
- B. Waiver of Personal Appearance at Hearing. Instead of appearing at an administrative hearing in person or by an authorized representative, a person contesting an administrative citation may request that the hearing officer decide the matter based on the face of the citation and any other documentary evidence submitted by the person cited or the enforcing department prior to the date of the hearing.
- C. Failure to Appear at Hearing. The failure of any person requesting an administrative hearing to appear at the hearing in person or by an authorized representative shall be deemed to be a waiver of the right to be personally present at the hearing and the hearing officer shall decide the matter based upon the citation, any written materials which have previously been submitted in anticipation of the hearing, and any other evidence which may be presented at the hearing by the enforcement officer.
- D. Attendance of Enforcement Officer. The enforcement officer who issued the administrative citation may, but is not required to, attend the administrative hearing. If the enforcement officer does not attend, the enforcement officer may, prior to the hearing date, submit to the hearing officer reports, photographs, or other documentation regarding the violation for consideration at the hearing.
- E. Continuation of Hearings. The hearing officer may continue any hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision.

(Ord. 2180 §§ 4, 5, Ord. 2268)

1.15.200 Hearing officer's decision.

- A. Written Decision. After considering all of the testimony and evidence admitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the

administrative citation and shall state in the decision the reasons therefor.

- B. **Effect of Decision.** The decision of the hearing officer shall be final. Chapter 2.80 of the Chico Municipal Code does not apply to any decision of an enforcement officer, enforcing department, hearing officer or the director made pursuant to this chapter.
- B. **Service of Decision.** The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision. Service may be made personally at the conclusion of the hearing by the hearing officer, or by mail, after the adjournment of the hearing, by the director.

(Ord. 2180 §§ 4, 5)

1.15.210 Disposition of administrative fines.

If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city. If the fine was deposited with the city and the hearing officer determines that the administrative citation should be canceled, the city shall refund the amount of the deposited fine. If, pursuant to a hardship waiver, the fine has not been deposited with the city, and the hearing officer determines that the administrative citation should be upheld, the due date for the payment of the fine shall be 21 calendar days from the date of service of the hearing officer's decision.

(Ord. 2180 §§ 4, 5)

1.15.220 Right to judicial review.

Any person aggrieved by the decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing an appeal with the Superior Court of California, County of Butte, Chico Courthouse, in accordance with the procedures and within the time set forth in California Government Code section 53069.4.

(Ord. 2180 §§ 4, 5)

ARTICLE V. COLLECTION AND LIEN PROCEDURES

1.15.230 Recovery of administrative fine, penalties, interest and costs.

The city may collect any past due administrative fine, penalty, and interest charge by use of all available legal means. The obligation for past due administrative fines, penalties, and interest imposed for any violation which arises from a condition or use of any real property, or structure thereon, which is owned by the person cited, which has not been fully satisfied within 90 calendar days, and for which no appeal has been filed may also be assessed and made a lien against the real property upon which the violation occurred.

(Ord. 2180 §§ 4, 5)

1.15.240 Lien procedure.

A. Whenever an administrative fine has been imposed pursuant to this chapter on an owner of property for a violation occurring or existing on that property and the fine has not been fully paid within 90 calendar days of the date upon which such fine became due and payable, and is not the subject of a pending appeal filed under Government Code section 53069.4, the director may initiate proceedings to establish and record a lien against the property.

B. Prior to the recording of the lien, the director shall prepare and file with the city clerk

a report stating, for each property for which a lien is proposed, the amount of the delinquent administrative fine, any applicable penalties and interest, and an administrative fee established by resolution of the city council to recover the administrative costs incurred in recording the lien and carrying out the lien procedures of this chapter.

- C. The city clerk shall fix a time, date, and place for hearing by the city council of the report and any protests or objections thereto.
- D. The director shall cause written notice to be served on the owner of each affected property not less than ten days prior to the time set for the hearing. Such notice shall set forth the amount of the delinquent administrative fine and any penalties and interest which are due. Such notice shall be delivered by first-class mail, postage prepaid, addressed to each owner of such property to be assessed as that owner's address appears on the last equalized assessment roll or supplemental roll of the County of Butte, whichever is more current. Service by mail as provided for herein shall be effective on the date of mailing, and the failure of any person to actually receive such notice shall not affect the validity of the notice.
- E. At the conclusion of the hearing, the city council may adopt a resolution confirming, discharging, or modifying the amount of the lien proposed for each affected property and order that the amount not discharged as to any property be reduced to a lien against that property.

(Ord. 2180 §§ 4, 5)

1.15.250 Recording of lien.

Within 30 days following the adoption of a resolution by the city council imposing a lien, the clerk shall file the same as a judgment lien in the office of the county recorder fro the County of Butte, California.

(Ord. 2180 §§ 4, 5)

1.15.260 Satisfaction of lien.

Once payment in full is received by the city for outstanding administrative fines, penalties, interest, and administrative fees, the director shall provide the property owner or concerned escrow company or financial institution with a notice of satisfaction of lien for recordation with the office of the county recorder. Recordation of the notice of satisfaction shall cancel the city's lien.

(Ord. 2180 §§ 4, 5)

Chapter 1.24**ARRESTS****Section:**

1.24.010 City officers and employees authorized to make arrests without a warrant for violations of city ordinances.

1.24.010 City officers and employees authorized to make arrests without a warrant for violations of city ordinances.

Each of the following city officers and employees is authorized to arrest a person without a warrant whenever such officer or employee has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in such officer's presence which is a violation of the provisions of this code or the statutes of the State of California and which the officer or employee has the duty to enforce:

- A. Police officers;
- B. Fire chief, fire captains, battalion chiefs, fire prevention inspectors and other employees of the city fire department who are classified as safety officers and whose primary duty is the enforcement of laws relating to fire prevention and fire suppression;
- C. Park rangers;
- D. Building and development services director;
- E. Community services officers;
- F. Capital services director;
- G. Building official;
- H. Construction inspector/surveyors;
- I. Code enforcement officers;
- J. Combination inspectors; and
- K. Any other person authorized to make such arrests by the statutes of the state.

(Ord. 1771 §2, Ord. 1974, Ord. 2136 §1, Ord. 2268, Ord. 2364 §23)

Chapter 1.26

**JUDICIAL REVIEW OF
ADMINISTRATIVE DECISIONS.**

Section:

1.26.010 Limitation of action.

1.26.010 Limitation of action. - Repealed by Ordinance No. 2269 adopted 7/15/03.

(Ord. 1520, Ord. 2269)

Chapter 1.30

CITY ELECTIONS

Section:

ARTICLE I. CAMPAIGN CONTRIBUTIONS

- 1.30.010** **Purpose.**
- 1.30.020** **Definitions.**
- 1.30.030** **Limitation on campaign contributions.**
- 1.30.040** **Limitation on campaign contributions - Exceptions.**
- 1.30.050** **Additional campaign statement disclosure requirements.**
- 1.30.060** **Additional campaign statement disclosure requirements - Exceptions.**
- 1.30.070** **Required notices.**
- 1.30.080** **Violations.**

ARTICLE II. CITY BALLOTS

- 1.30.100** **Purpose.**
- 1.30.110** **Rebuttal arguments.**
- 1.30.120** **Candidates' statements.**

ARTICLE I. CAMPAIGN CONTRIBUTIONS

1.30.010 Purpose.

The purpose of this article is to supplement the provisions of the Political Reform Act of 1974, Title 9 of the Government Code (commencing with Section 81000), by:

- A. Limiting the aggregate amount of campaign contributions which may be made by a person in support of or in opposition to the candidacy of a person for election to the city council at a municipal election, including all contributions to a city council candidate and to a committee supporting or opposing a city council candidate, in order to preclude a contributor from gaining disproportionate access to or influence over the city council or any of its individual members by making particularly large campaign contributions in support of or in opposition to one or more city council candidates;
- B. Lowering the threshold on those campaign contributions to a city council candidate or to a committee supporting or opposing a city council candidate or a city ballot measure which must be individually disclosed and identified on campaign statements filed pursuant to the Political Reform Act of 1974, in order to more fully inform the voters of the city about the sources of campaign funds;
- C. Requiring all campaign contributions to a city council candidate or to a committee supporting or opposing a city council candidate, regardless of amount, to be publicly reported, and prohibiting anonymous contributions to a city council candidate or to a committee supporting or opposing a city council candidate or a city ballot measure; and

D. Requiring an additional campaign statement to be filed five days before each municipal election.

(Ord. 1751 §1 (part), Ord. 2113 §4, Ord. 2251)

1.30.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in the Political Reform Act of 1974 shall govern the construction of the words and phrases used in this article.

(Ord. 1751 §1 (part), Ord. 2113 §4)

1.30.030 Limitation on campaign contributions.

- A. During the four-year period immediately preceding a municipal election held for the purpose of electing one or more members of the city council, no person shall make to any city council candidate, or to any committee supporting or opposing the election of such a candidate, a contribution or contributions that, in total, exceed the sum of five hundred (\$500.00) dollars for all such contributions.
- B. During the four-year period immediately preceding a municipal election which is held for the purpose of electing one or more members of the city council, no candidate at that election shall accept from any person a contribution or contributions which, in total, exceed the sum of five hundred (\$500.00) dollars. All contributions made by a person to a candidate's controlled committee, whether or not made at the behest of the candidate or the committee, are contributions to that candidate for the purpose of the aggregate contribution limit established by this section. As used in this section, "controlled committee" means a committee that is controlled directly or indirectly by a candidate or that acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if the candidate, or the candidate's agent, or any other committee the candidate controls has a significant influence on the actions or decisions of the committee.

(Ord. 1751 §1 (part), Ord. 2251, Ord. 2274)

1.30.040 Limitation on campaign contributions - Exceptions.

- A. A person's use of personal money or property for the purpose of supporting such person's council candidacy shall not constitute a campaign contribution for purposes of the limitation on campaign contributions provided for in Section 1.30.030 of this article.
- B. A person receiving a contribution or contributions on behalf of or as the agent of a city council candidate or on behalf of or as the agent of a committee supporting or opposing a city council candidate or a city ballot measure, shall not be deemed to have made a separate and additional contribution to such city council candidate or committee for purposes of the limitation on campaign contributions provided for by Section 1.30.030 of this article when transferring such initial contribution or contributions to the city council candidate or committee, provided the person receiving the contribution or contributions transfers the same to the city council candidate or committee in the same form as received and without exercising or attempting to exercise any independent control over its use.

(Ord. 1751 §1 (part), Ord. 2268)

1.30.045 Anonymous campaign contributions prohibited.

No person shall make an anonymous contribution or contributions to a city council candidate or to a committee supporting or opposing a city council candidate or a city ballot measure. A contribution is deemed to be anonymous if (a) it is required to be reported on a campaign statement required to be filed under the Political Reform Act of 1974 or this chapter and is not so reported or (b) any information required to be reported on such a campaign statement is incomplete as to that contribution. Any anonymous contribution shall not be kept by the intended recipient but instead shall be promptly paid to the city's finance director for deposit into the city's general fund.

(Ord. 2251)

1.30.050 Additional campaign statement disclosure requirements.

- A. Every city council candidate and every committee supporting or opposing a city council candidate shall list on any campaign statement which such person or committee is required to file with the city clerk pursuant to the Political Reform Act of 1974 or this chapter the name, address, occupation, employer, and amount contributed by each person who, subsequent to September 30, 2002, makes any campaign contribution to such city council candidate or committee. The amounts of contributions reported on a campaign statement so filed shall include the total amount of contributions received during the period covered by the campaign statement from each person who has made any contribution, and the contribution reporting thresholds established by the Political Reform Act of 1974 shall not apply to contributions subject to the disclosure requirements of this section.
- B. Every committee supporting or opposing a city ballot measure shall list on any campaign statement the committee is required to file with the city clerk pursuant to the Political Reform Act of 1974 the name, address, occupation, employer, and amount contributed by each person who, subsequent to October 22, 1988, makes a campaign contribution to such committee of a value of fifty dollars (\$50.00) or more.

(Ord. 175 1 §1 (part), Ord. 2251)

1.30.055 Additional campaign statement filing requirement.

Every city council candidate and every committee supporting or opposing a city council candidate shall file with the city clerk a campaign statement no later than five calendar days prior to the date of the election for which the candidate appears on the ballot. The statement shall cover the period from the closing date of the reporting period for the last pre-election campaign statement required to be filed under the Political Reform Act of 1974 through midnight of the sixth calendar day prior to the date of that election.

(Ord. 2251)

1.30.070 Required notices.

- A. Any city council candidate making a written solicitation for a contribution to the candidate's campaign for election to the city council and any committee making a written solicitation for a contribution to support or oppose a city council candidate shall include the following written notice in no less than 10-point type on each such solicitation:

NOTICE

Chapter 1.30 of the Chico Municipal Code limits the total amount of contributions to a candidate seeking election to the city council and to a committee supporting or opposing a city council candidate to \$500 per contributor. In addition, each such candidate or committee is required to publicly report the amount of each contribution received and the name, address, occupation and employer of each contributor.

- B. Any committee making a written solicitation for a contribution to support or oppose a city ballot measure shall include the following written notice in no less than 10-point type on each such solicitation:

NOTICE

Chapter 1.30 of the Chico Municipal Code requires each committee supporting or opposing a city ballot measure to publicly report the amount of each contribution of \$50 or more and the name, address, occupation and employer of each contributor who makes such a contribution.

(Ord. 1751 §1 (part), Ord. 2251, Ord. 2274)

1.30.080 Violations.

- A. Any person who knowingly or willfully violates any provisions of this article is guilty of a misdemeanor.
- B. Any person convicted of a misdemeanor under subsection A who is a member of the council at the time of the conviction shall be deemed to have been convicted of a crime involving moral turpitude and shall, in addition to the penalties imposed by the court, suffer forfeiture of the office of councilmember in the manner provided by Section 405 of the city charter.

(Ord. 1751 §1 (part), Ord. 2251, Ord. 2268)

ARTICLE II. CITY BALLOTS**1.30.100 Purpose**

The purpose of this article is to implement certain provisions of the California Elections Code pertaining to city ballots.

(Ord. 1751 §1 (part))

1.30.110 Rebuttal arguments.

The provisions of Sections 9220 and 9285 of the California Elections Code which provide for the filing of rebuttal arguments in the manner and within the time provided for therein is hereby adopted and shall apply to any city election on an initiative, a proposed amendment to the City Charter, a proposition concerning the issuance of bonds, an advisory question, and any other proposition or question submitted to the voters of the city.

(Ord. 1751 §1 (part), Ord. 1807, Ord. 2251 §1)

Chapter 1.40

ENVIRONMENTAL REVIEW GUIDELINES

Section:

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- 1.40.030 Notification and review procedures.**
- 1.40.040 Definitions.**
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- 1.40.070 Public input and notice.**
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- 1.40.700 General.**
- 1.40.710 Consultation with the Lead Agency.**
- 1.40.720 Use of Environmental Documents Prepared by Other Jurisdictions.**
- 1.40.730 Notice of Determination.**

ARTICLE I. GENERAL PROVISIONS**1.40.010 Purpose and authority; limits of chapter.**

- A. The purpose of these guidelines is to establish a procedural framework for environmental review of projects subject to review under the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 et seq., and other activities subject to review under these guidelines.
- B. This chapter is adopted pursuant to the municipal affairs provisions of the city charter and shall be known as the "City of Chico Environmental Review Guidelines." Provisions of these guidelines that establish objectives, criteria and procedures for the preparation of environmental impact reports and negative declarations pursuant to CEQA and that are consistent with CEQA and the State Guidelines shall also be deemed to be adopted pursuant to Public Resource Code section 21082.
- C. Nothing in this chapter shall be deemed or construed to negate or limit the authority of the city under the Constitution of California, the city charter, state statutes or the common law to limit, condition or prohibit activities that cause or allow, or may cause or allow, significant environmental impacts to occur.

(Ord. 2067, Ord. 2113 §2, Ord. 2312 §4)

1.40.020 Relationship to state guidelines.

This chapter is not intended to replace the State Guidelines, Title 14 (commencing with Section 15000) of the California Code of Regulations. However, the environmental review guidelines adopted in this chapter, and determinations made under these guidelines, may impose procedural or substantive requirements that exceed the requirements of CEQA or the State Guidelines.

(Ord. 2312 §6)

1.40.030 Notification and review procedures.

Any provision of this chapter specifying notification and review procedures, other than those required by CEQA, shall be deemed directory rather than mandatory.

(Ord. 2067, Ord. 2312 §7)

1.40.040 Definitions.

A. Definitions Adopted by Reference. Those definitions set forth in Article 20 (commencing with section 15350) of the State Guidelines are incorporated herein by reference.

B. Supplemental Definitions.

1. "Administrative decision" means a final action by the planning director or other authorized city staff member on the environmental review of a proposed project or modification of an approved project, or enforcement of any mitigation measure or monitoring requirement imposed as a condition of approval or included within a mitigation monitoring program for an approved project. Decisions which require final action by a decision-making body are not administrative decisions for the purposes of this chapter.
2. "Aggrieved person" means a person aggrieved by any decision-making body of the city regarding the administration of this chapter.
3. "Applicant" means a person, agency, organization or other entity that has submitted an application form and an environmental questionnaire to the city or other local, state or federal agency seeking approval of one or more entitlements from these governmental agencies.
4. "Days" means calendar days unless otherwise indicated.
5. "Decision-making body" means either a city officer or employee or a body such as the city council, planning commission, park and playground commission, airport commission, architectural review board or other body responsible for a final determination to approve, conditionally approve or disapprove a project.
6. "Department" means the planning services department.
7. "Director" means the planning services director or designee.
8. "Draft negative declaration" means a negative declaration or mitigated negative declaration prepared for but not yet adopted by the appropriate decision-making body.
9. "Environmental document" means an environmental impact report or negative declaration of any kind authorized or required to be prepared under CEQA or this chapter and any other study of actual or potential environmental impacts or conditions that is authorized or required to be prepared pursuant to this chapter.
10. "Private project" means the whole of an action which has a potential for resulting in a physical impact on the environment, directly or ultimately, that is any of the

following:

- a. An activity undertaken by a private person or by a non-governmental entity supported in whole or in part through public agency contracts, grants, subsidies, loans or other forms of assistance from one or more public agencies;
 - b. An activity involving the issuance of a discretionary or quasi-judicial permit or entitlement to a private person or non-governmental entity;
 - c. An application by a private person or a non-governmental entity proposing enactment or amendment of zoning or subdivision regulations, amendment of the general plan or elements thereof, enactment or amendment of a specific plan, rezoning, or other legislative acts involving the use or regulation of real property; or
 - d. A violation of any condition of approval or mitigation measure applicable to any subdivision or any permit or other entitlement the city approved for or issued to a private person or non-governmental entity, regardless of whether the condition is imposed by law, or as a mitigation measure, or as a component of a mitigation monitoring program.
11. "Public project" means a project that is directly undertaken by:
 - a. A city department or agency and is subject to environmental review under CEQA; or
 - b. Another public agency and that requires discretionary action by a city decision-making body, a mutual agreement with the city, or issuance of a permit or other entitlement by the city to that agency.
 12. "Provided," for purposes of notification, means either directly delivered to the noticed party or placed in a mail receptacle.
 13. "Recommending body" means the city board, commission or other body that has the responsibility to recommend approval, conditional approval or disapproval of a project to the decision-making body which will take final action on the project.
 14. "Responsible city department" means the city department which has the primary responsibility for administering a project.
 15. "State Guidelines" means the guidelines for implementation of CEQA published by the California Secretary of Resources in Title 14 (commencing with Section 15000) of the California Code of Regulations.
 16. "Third-party contract" means a written agreement or agreements between the city and qualified consultants selected by the city to perform services in conjunction with a written agreement by the project applicant to reimburse the costs of those services to the city.

(Ord. 2067, Ord. 2268, Ord. 2312 §8, Ord. 2364 §24)

1.40.050 Administration.

- A. Director. Except as otherwise indicated herein, the director shall administer this chapter. The director's duties include but are not limited to:
 1. Determining whether a project is exempt from environmental review;
 2. Conducting an initial study;
 3. Determining whether a negative declaration or mitigated negative declaration must be prepared;
 4. Preparing or causing preparation of a negative declaration or mitigated negative

- declaration;
5. Determining whether a draft environmental impact report (EIR), subsequent EIR, supplemental EIR, addendum to an EIR, or other environmental document must be prepared;
 6. Preparing or causing preparation of an EIR, subsequent EIR, supplemental EIR, addendum to an EIR, or other environmental document;
 7. Filing notices required or authorized by CEQA, the State Guidelines, or this chapter;
 8. Consulting with and obtaining comments on environmental documents from city departments, other public agencies and the public;
 9. Developing procedures for monitoring and enforcing mitigation measures;
 10. Selecting qualified third-party consultants to perform environmental work;
- B. **Decision-Making Body.** Adoption of a negative declaration or mitigated negative declaration, certification of an EIR, or approval of any other environmental document prepared pursuant to this chapter, shall be the responsibility of the decision-making body responsible for final action on the project for which the document was prepared.
- (Ord. 2067, Ord. 2312 §9, Ord 2364 §25)

1.40.060 Appeal procedures.

- A. **Filing and Notice.** Any person aggrieved by any administrative decision made under this chapter or any decision of a decision-making body (other than the city council) to approve an environmental document may appeal that decision to the city council within ten (10) days of the decision by filing an appeal with the city clerk on a form provided by the clerk. Filing of an appeal is accomplished by physical delivery to the clerk of the original of the appeal form signed by the aggrieved person and payment to the clerk of any appeal fee established by resolution of the council. The clerk shall schedule the appeal for consideration by the council at a regular council meeting and shall mail notice to the applicant and the appellant of the date, time and place of that meeting.
- B. **Review of Record.** Consideration of the appeal by the council shall consist of a review of the grounds for the appeal set forth in the appeal form, any materials filed by the appellant with the form, and the record of the decision appealed, as provided to the council by the director. Consideration of the appeal does not require a public hearing at which evidence is required to be taken, but the appellant, the applicant and other persons may comment on the materials filed by the appellant and the record provided by the director.

(Ord. 2067, Ord. 2312 §10, Ord. 2364 §26)

1.40.070 Public input and notice.

- A. **Submission of Information.** Any person may submit written factual information about a project to the director for preparation of an initial study or during the public comment period for any draft environmental document prepared for the project. The director may include such information in the document to the extent that the information is found to be accurate and relevant to anticipated or potential environmental impacts of the project.
- B. **Request for Notice.** Any person may request that the director provide notice of the preparation of an environmental document for a specific project location or project type. The city may charge a fee for such notice in an amount established by resolution

of the city council.
(Ord. 2312 §12, Ord. 2364 §27)

1.40.080 Third Party Contracts.

The director, with the approval of the City Manager, may select and enter into third party contracts with qualified environmental professionals to perform environmental studies or prepare environmental documents as deemed appropriate by the director. Project applicants may submit environmental studies or documents from environmental professionals of their own choice; however, such submittal shall not obviate the need for additional study and documentation by independent third party professionals.
(Ord. 2067, Ord. 2364 §28)

1.40.090 Authority to Adopt Fees.

The project applicant shall be assessed fees as established by resolution of the City Council for environmental documentation, studies, or mitigation monitoring procedures, or an amount sufficient to cover the full cost of third party environmental work.
(Ord. 2067)

ARTICLE II. REQUESTS FOR ENVIRONMENTAL DETERMINATION AND REVIEW

1.40.100 General.

Requests for environmental determination and review shall be prepared for all public and private projects except as noted in Section 1.40.110 below.
(Ord. 2067)

1.40.110 Exceptions.

- A. Specified Public Projects. For public projects, activities specifically identified as statutorily or categorically exempt from the provisions of CEQA, as set forth in Article III, shall not require a request for environmental determination or environmental review. The responsible City department shall prepare a Notice of Exemption as set forth in this chapter and forward it to the department for posting with the County Clerk. This section shall not apply to projects which may have a significant effect on the environment or to project types which are not specifically listed as exempt in Article III. Where doubt exists as to whether a project is exempt, a request for environmental determination and review shall be filed with the department.
- B. Ministerial Projects. Ministerial projects, as listed herein, require neither requests for environmental review and determination nor notices of exemption.
(Ord. 2067, Ord. 2364 §29)

1.40.120 Contents of Requests for Environmental Determination and Review.

Requests for environmental determination and review shall be accompanied by the following information:

- A. A completed City environmental questionnaire, in the form and containing the information required by the director.
- B. A detailed description of the project, including all phases of project planning, implementation, and operation.

- C. A list of all governmental approvals required for construction and implementation of the project including but not limited to permits or authorization from federal, state, regional or local agencies.
- D. Additional data and information as requested. Such additional data and information may include, but is not limited to, wetlands delineation, biological investigation, air quality analysis, traffic impact study, hydrological study, geological study, and watershed analysis.

(Ord. 2067, Ord. 2364 §30)

1.40.130 Action by Director on Requests for Environmental Determination and Review.

Upon receipt of a request for environmental determination and review, the director shall determine in accordance with CEQA, the State Guidelines and these environmental review guidelines, the applicable type of environmental review for the project in the following manner:

- A. Categorical/Statutory Exemption. The director shall determine whether the project is statutorily exempt from environmental review, categorically exempt from environmental review pursuant to the State Guidelines, or categorically exempt pursuant to this chapter.
- B. Initial Study. Where it is determined that a project is not exempt from CEQA, the director shall cause an initial study to be prepared pursuant to Article IV of this chapter to determine whether the project will have a significant effect on the environment.

(Ord. 2067, Ord. 2364 §31)

ARTICLE III. PROCEDURES FOR IDENTIFYING AND PROCESSING PROJECTS EXEMPT FROM CEQA

1.40.200 General.

The purpose of this article is to identify projects that are exempt from the provisions of CEQA and to establish procedures for the preparation and statutory posting of notices of exemption.

(Ord. 2067)

1.40.210 Statutory Exemptions.

- A. Ministerial Projects. The issuance of the following City permits and approvals is generally deemed to be a ministerial action and therefore statutorily exempt pursuant to Section 21080 et seq of the State Guidelines. Ministerial actions include but are not limited to:
 1. Building permits, as defined by the State Guidelines;
 2. Demolition permits;
 3. Electrical, mechanical, and plumbing permits; permits issued pursuant to the Uniform Fire Code, excepting permits which authorize fires or flames or equipment utilizing fires or flames;
 4. Sign permits;
 5. Certificates of compliance not in conjunction with a division of property;
 6. Park reservations of facilities in City parks and playgrounds, and permits authorizing public events conducted in City parks and playgrounds when issued

- by the Park Director;
 - 7. Business licenses;
 - 8. Banner permits;
 - 9. Sewer connection permits;
 - 10. Permits authorizing the use of streets, sidewalks and parking lots for parades, athletic events and public assemblies;
 - 11. Permits authorizing the use of streets and sidewalks for sale of food and beverages;
 - 12. Food establishment permits;
 - 13. Solicitor permits;
 - 14. Bicycle licenses;
 - 15. Bicycle locker leases;
 - 16. Dog licenses;
 - 17. House moving permits;
 - 18. Card room permits;
 - 19. Preferential parking permits and guest passes;
 - 20. Parking space leases;
 - 21. Oversized load permits;
 - 22. Grants of license;
 - 23. Other similar permits.
- B. Other Statutory Exemptions. Those projects listed in Public Resources Code Sections 21080 et seq. and the State Guidelines Sections 15260 et seq. are incorporated herein as statutory exemptions.

(Ord. 2067)

1.40.220 Categorical Exemptions.

- A. Types of Categorical Exemptions. In addition to those projects set forth as categorically exempt by the State Guidelines, the following city permits, approvals, entitlements, and actions, all of which fall within “classes” of exemptions created by the State Resources Agency, typically have no significant effect on the environment and therefore shall be presumed to be categorically exempt from the provisions of CEQA, excluding those exceptions set forth in Subsection B.
1. Class One: Existing Facilities.
 - a. Repair or replacement of existing curbs, gutters, sidewalks, street paving, bicycle lanes and similar facilities.
 - b. Repair or replacement of existing sewer, water, or drainage pipes.
 - c. Consistency zoning for existing facilities.
 2. Class Three: New Construction or Conversion of Small Structures.
 - a. Water main, sewage, electrical, gas, and other utility extensions of reasonable length to serve such construction.
 - b. Minor storm drainage projects in urbanized areas and not involving the construction of new storm drain outfall structures or main lines or service to previously unsewered areas.
 - c. Conversion of existing structures to a use of less intensity in terms of land use compatibility, traffic and parking and public services.
 3. Class Four: Minor Alterations to Land.
 - a. Installation of landscaping.
 - b. Minor trenching and backfilling where the surface is restored.

- c. Creation of bicycle lanes within existing rights-of-way.
- d. Encroachment permits, where no disruption of existing uses will occur.
- 4. Class Five: Minor Alterations in Land Use Limitations.
 - a. Minor lot line adjustments.
 - b. Setback variances.
 - c. Minor amendments to site plans which conform substantially to the approved site plan.
 - d. Permits authorizing public events conducted in City parks and playgrounds when issued by the Bidwell Park and Playground Commission.
 - e. Fire permits authorizing fires or flames, or equipment utilizing fires or flames.
 - f. Minor temporary use permits such as those issued for carnivals and the sale of Christmas trees.
 - g. Architectural review by staff or the City's Architectural Review Board.
- B. Exceptions to Categorical Exemptions. A project that is ordinarily insignificant in its impact on the environment, and identified categorically exempt projects, may under certain circumstances be significant. All exemptions of these classes are inapplicable when the project may have an impact upon environmental resources or when the cumulative impact of successive projects of the same type, in the same place, over time is significant.

(Ord. 2067)

1.40.230 Notice of Exemption Contents.

The department shall make available a notice of exemption form consistent with the requirements of the Butte County Clerk and the State Guidelines.

(Ord. 2067, Ord. 2364 §32)

1.40.240 Notice of Exemption Statutory Posting.

The responsible City Department shall prepare a notice of exemption for all statutorily and categorically exempt projects, except ministerial projects as hereinbefore provided by this chapter, and forward it to the director. Upon receipt of the notice of exemption, the director shall ensure the adequacy of the notice of exemption and file the notice of exemption with the Butte County Clerk, accompanied by applicable filing fees as established by the County Clerk. If a project for which a notice of exemption is prepared also requires clearance or approval by any federal or state agency, a notice of exemption shall also be filed with the State Clearinghouse.

(Ord. 2067, Ord. 2364 §33)

ARTICLE IV. PROCEDURES FOR CONDUCTING INITIAL STUDIES

1.40.300 General.

If a project for which the City is the lead agency has not been identified as exempt from the provisions of CEQA, pursuant to Articles II and III of these provisions, an initial study shall be conducted to determine if the project may have a significant effect on the environment.

Projects for which the City is a responsible agency shall be processed pursuant to the provisions of Article VIII.

(Ord. 2067)

1.40.310 Contents of initial studies.

- A. Environmental Questionnaire. The applicant shall provide a completed environmental questionnaire in the form and containing the information determined by the director. The director may require an applicant to also submit additional information, including technical reports prepared by qualified consultants to aid in the preparation of adequate environmental documents.
- B. Determination of Environmental Baseline. The environmental baseline for a project is the description of all of the physical environmental conditions in the vicinity of a project.
1. For purposes of CEQA, the environmental baseline of a project shall be determined pursuant to State Guidelines Section 15125 prior to preparation of an EIR or negative declaration.
 2. For purposes of this chapter, the director may also include within a project's environmental baseline any significant effects on the environment on the project site resulting from past activities or uses on the project site, or in the vicinity of the project site, that were commenced or maintained in violation of (1) any law or regulation prohibiting or restricting such activities or uses, or (2) any condition of approval or mitigation measure for any subdivision, permit or other entitlement previously approved or issued for the project site. As to any significant effect from actual or alleged prior unlawful activity, the director shall consider whether including the effect in the baseline will (1) interfere or conflict with or unfairly amplify any pending enforcement action by any state or federal agency with jurisdiction over that activity, or (2) complement any pending enforcement action by the city as to that activity. As to any significant effect from a violation of a condition or mitigation measure of a prior approval for a project or use on the project site, or on adjacent property owned by the project applicant at the time of the violation, the director shall consider whether the applicant's project, as proposed, will mitigate, exacerbate or have no impact on that significant effect.
- C. Initial Study Checklist. Based on the environmental questionnaire and other information available or required of the applicant, an initial study checklist shall be prepared on a form and contain the information determined by the director and the State Guidelines. The initial study checklist and supporting information, together with the environmental questionnaire, shall comprise the initial study.
- D. Mitigation Measures. The initial study shall identify feasible mitigation measures, including but not limited to changes in a project, that would enable significant impacts, as identified in the initial study and measured against the environmental baseline, to be avoided or substantially reduced. Whenever feasible, mitigation measures shall be tangible, specific actions that will avoid or substantially lessen significant environmental impacts and shall specify the mitigation objective, specific changes to be made in the project and mitigation actions to be taken, the entity responsible for implementation, and an implementation schedule.

(Ord. 2067, Ord. 2312 §13, Ord. 2364 §34)

1.40.320 Consultation.

- A. City Staff and Trustee Agencies. Upon the determination that an initial study will be required, the department may consult informally with City departments and trustee agencies having purview in areas affected by the project to obtain their recommendations on the scope of significant environmental impact issues, mitigation

measures and whether an EIR, negative declaration, or mitigated negative declaration should be prepared.

- B. Interested Parties. The department may also consult with interested parties, neighborhood or environmental groups or others who may have knowledge or special expertise with respect to the project or possible significant effects.

(Ord. 2067, Ord. 2364 §35)

1.40.330 Written Agreement for Mitigation Measures.

The department shall consult with the project applicant to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the initial study. The willingness of the applicant to modify a project shall be demonstrated in a mitigated negative declaration signed by the applicant. Mitigation measures may not be imposed by a mitigated negative declaration without the applicant's consent; however, without the applicant's written consent, an EIR will be required to assess any significant environmental impacts of the project.

(Ord. 2067, Ord. 2268, Ord 2264 §36)

1.40.340 Decision to Prepare a Negative Declaration or an EIR.

- A. Responsible Agency Consultation. Prior to a determination whether an environmental impact report or negative declaration is required, the City shall consult with all other public agencies which have responsibility for carrying out or approving the project.
- B. Basis of Determination.
1. Negative Declaration. Where the initial study demonstrates that a project will not have a significant effect on the environment, the director shall prepare a draft negative declaration pursuant to Article 6 of the State Guidelines and Article V of this chapter.
 2. Mitigated Negative Declaration. Where the initial study demonstrates that, with mitigation agreed to by the project applicant, a project will have an impact of less than significant on the environment, a proposed mitigated negative declaration shall be prepared pursuant to Article 6 of the State Guidelines and Article V of this chapter.
 3. Environmental Impact Report. Whenever it has been determined by the director that there is substantial evidence of a fair argument that a proposed project may have a significant environmental impact, an EIR shall be prepared pursuant to the State Guidelines and this chapter. If any aspects of the project, either individually or cumulatively, may cause a significant adverse effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, then an EIR must be prepared. The existence of a public controversy alone does not, without substantial evidence of a fair argument of a significant environmental impact, require preparation of an EIR.
 4. Use of an EIR from a Previous Project. An EIR prepared for a previous project may be used for a later project if the circumstances of both projects are essentially the same. The EIR prepared for the previous project shall be publicly noticed as the draft EIR for the later project and processed pursuant to Article VI of this
 5. Withdrawal of Decision. If, prior to approval of a negative declaration or mitigated negative declaration, there is substantial evidence of a fair argument that the proposed project may result in a significant impact, the director shall examine

this information and determine whether to withdraw the negative declaration from further review and notify the applicant that an EIR is required, notwithstanding sections of this code to the contrary.

(Ord. 2067, Ord. 2364 §37)

ARTICLE V. PROCEDURES FOR PREPARATION OF NEGATIVE DECLARATIONS AND MITIGATED NEGATIVE DECLARATIONS

1.40.400 General.

- A. Draft Negative Declaration. A draft negative declaration shall be prepared for a project subject to CEQA when the initial study shows that there is no substantial evidence of a fair argument that the project may have a significant effect on the environment.
- B. Draft Mitigated Negative Declaration. A draft mitigated negative declaration shall be prepared for a project subject to CEQA when the initial study identifies potentially significant effects, but:
1. Revisions to the project plans or proposals made by or agreed to by the applicant before the proposed mitigated negative declaration is released for public review would avoid or mitigate adverse effects to a point where clearly no significant impact would occur; and
 2. There is no substantial evidence of a fair argument before the department that the project as revised may have a significant effect on the environment.

(Ord. 2067, Ord. 2364 §38)

1.40.410 Time Limits.

A negative declaration or mitigated negative declaration for a private project shall be completed within one hundred and five (105) days of the date of acceptance of the project application as complete, except under the conditions specified in the State Guidelines. Completion of a negative declaration or mitigated negative declaration shall include and be limited to preparation of the initial study, public circulation of the initial study, and expiration of the time provided for by law for making comments on the negative declaration or mitigated negative declaration. A reasonable extension of the time period to complete the negative declaration or mitigated negative declaration may be provided in the event that compelling circumstances justify additional time and the project applicant consents thereto.

(Ord. 2067)

1.40.420 Contents.

A draft negative declaration or mitigated negative declaration shall contain the information specified in the State Guidelines and shall be in a form determined by the director. A mitigated negative declaration shall also include the signature of the project applicant stating that the applicant concurs with the proposed mitigation measures and agrees to implement those measures.

(Ord. 2067, Ord. 2268, Ord. 2364 §39)

1.40.430 Notification and Review.

A public notice of availability shall be provided for the draft negative declaration or mitigated negative declaration, as follows:

- A. Content of Notice. The notice shall contain the information specified in the State

Guidelines in a form determined by the director. The notice of availability may be combined with the notice of public hearing for the project if a hearing on the project is required.

B. Distribution.

1. A notice of availability shall be sent to:
 - a. All parties receiving notification of the project for which the negative declaration or mitigated negative declaration was prepared.
 - b. The Butte County Clerk.
 - c. Parties who have requested such notice.
 - d. Interested Parties. Notification of interested parties is directory, not mandatory.
 - e. Decision-making body.
 - f. Recommending body or bodies.
 - g. Responsible City departments.
 - h. Responsible and trustee agencies having jurisdiction over natural resources affected by the project.
 - i. The State Clearinghouse only if: (i) a state agency is a responsible or trustee agency, or (ii) the project is of statewide, regional, or areawide significance as identified in the State Guidelines.
2. Additionally, notice shall be given by at least one of the following procedures:
 - a. Publication at least one time in a newspaper of general circulation within the City; or
 - b. Posting of the notice by the public agency on- and off-site in the area where the project is to be located; or
 - c. Direct mailing to the owners and occupants of contiguous property as shown on the latest equalized assessment roll.
3. Additional notification requirements apply to projects involving the burning of municipal wastes, hazardous wastes, and refuse derived fuels pursuant to CEQA.
4. A copy of the draft negative declaration or mitigated negative declaration shall be sent with the notice of availability to other governmental agencies and departments who are trustees or responsible agencies.

C. Period of Review.

1. The noticed public review period shall be not less than twenty (20) days when no state or federal agency is a responsible or trustee agency for the project.
2. The noticed public review period shall be not less than thirty (30) days when a state or federal agency is a responsible or trustee agency for the project.
3. A shorter review period may be established by approval of the State Clearinghouse pursuant to the provisions of the State Guidelines.
4. A longer review period may be established if determined necessary or appropriate by the director to ensure an adequate period of time for review by the public and governmental departments and agencies. The review period shall not exceed forty-five (45) days.

(Ord. 2067, Ord. 2364 §40)

1.40.440 Response to Comments.

At the end of the public review period, comments on the draft document shall be forwarded to the recommending and decision-making bodies along with the proposed negative declaration for consideration. These comments shall be attached to the

document along with any responses to the comments which may be deemed appropriate. All commenting parties shall be sent a notice of public hearing, if required, for the project on which they commented.

(Ord. 2067)

1.40.450 Adoption.

- A. Basis for Adoption. After considering the proposed negative declaration, all comments made in connection therewith, and the recommendations of the director thereon, the decision-making body shall approve the negative declaration or mitigated negative declaration if it finds on the basis of the initial study, comments received and other information contained in the administrative record that:
1. There is no substantial evidence of a fair argument that the project will have a significant effect on the environment; and
 2. The document has been prepared in conformance with the provisions of CEQA and this chapter.
- B. Adoption of Environmental Documents and Project Approval.
1. Recommending bodies for projects shall also make a recommendation as to adoption of the negative declaration or mitigated negative declaration.
 2. No project for which a negative declaration or mitigated negative declaration has been prepared shall be approved prior to adoption of the negative declaration or mitigated negative declaration.

(Ord. 2067, Ord. 2364 §41)

1.40.460 Notice of Determination.

After the director or decision-making body makes a decision to carry out or approve a project for which a negative declaration or mitigated negative declaration has been approved, the director shall file a notice of determination. Such notice of determination should be filed promptly following the effective date of the decision with:

- A. The Butte County Clerk;
- B. Organizations and individuals who have previously requested such notice;
- C. The State Clearinghouse, only for such projects involving a responsible or trustee agency.

(Ord. 2067, Ord. 2364 §42)

ARTICLE VI. PROCEDURES FOR THE PREPARATION OF AN EIR

1.40.500 General.

Whenever it has been determined by the director that a proposed project may have a significant environmental impact, an EIR shall be prepared.

(Ord. 2067, Ord. 2364 §43)

1.40.510 Time Limits.

An EIR for a private project shall be completed and certified within one (1) year of the date of acceptance of the project application as complete unless:

- A. The conditions specified in State Guidelines Sections 15109 or 15110 exist.
- B. Compelling circumstances justify additional time and the director and project applicant consent thereto. In such cases, the time limit may be extended once for a period of not more than ninety (90) days.

- C. The project for which the EIR is prepared is a legislative act such as a general plan amendment or zone change.
(Ord. 2067, Ord. 2364 §44)

1.40.520 Early Consultation.

A. Notice of Preparation.

1. Immediately after determining that an EIR will be required for a project, the director shall send a notice of preparation by certified mail or other method of transmittal which provides a record of receipt to:
 - a. Responsible and trustee agencies responsible for resources affected by the project;
 - b. The State Clearinghouse;
 - c. Any federal agency involved in approving or funding the project;
 - d. The Butte County Clerk.
2. Alternatively, the director may send ten (10) copies of the notice of preparation to the State Clearinghouse for distribution to responsible and trustee agencies.
3. Additionally, the director shall send a notice of preparation to:
 - a. Responsible City departments.
 - b. Property owners, and where practicable occupants, within three hundred (300) feet of the subject property as shown on the latest equalized assessment roll. Alternatively, if more than one hundred (100) households or business addresses exist within three hundred (300) feet of the property, then the notice of preparation may be published in a newspaper of general circulation within the City.
 - c. Decision-making bodies.
 - d. Recommending bodies.
 - e. All organizations and individuals who have previously requested such notice.

B. Scoping Session.

1. Where an EIR is required for a large scale, complex, or controversial project, the director may determine that a scoping session be held as necessary to solicit comments from the public concerning the scope of the issues to be addressed in the preparation of the EIR. Responsible agencies, trustee agencies, or the project applicant may also request scoping meetings, which are to be held within thirty (30) days of such request.
2. Notice of the public scoping sessions shall be published in a newspaper of general circulation within the City and shall be sent to all parties receiving the notice of preparation.
3. Notice of the scoping sessions may be made concurrently with the notice of preparation.
4. Scoping sessions shall be convened by appropriate City staff unless the recommending body and/or decision-making body requests to run the meeting.

(Ord. 2067, Ord. 2364 §45)

1.40.530 Contents.

Draft EIRs shall contain the information specified in the State Guidelines and shall be prepared in a format to the satisfaction of the director.

(Ord. 2067, Ord. 2364 §46)

1.40.540 Administrative Draft EIR.

- A. Distribution to City Departments. Prior to circulation of a draft EIR, an administrative draft EIR (ADEIR) shall be distributed to appropriate City departments for review and comment.
- B. Other Distribution. At the discretion of the director, copies of the ADEIR may be distributed for review by:
 - 1. Other responsible or trustee agencies;
 - 2. The project applicant. Project applicant review shall be limited to review for factual accuracy of the project, environmental settings or technical studies provided by the applicant for peer review.
- C. Adequacy of the ADEIR. The director, in consultation with responsible City departments, shall determine the adequacy of the ADEIR for public review. The document must reflect the independent judgement of the City and contain all requirements specified by the State Guidelines in order to be determined adequate. At such time as the ADEIR is found to be adequate, the document shall be distributed as the draft EIR.

(Ord. 2067, Ord. 2364 §47)

1.40.550 Notification of the Completion and Availability of the Draft EIR.

- A. Notice of Completion. Where the project involves a state trustee or responsible agency, the director shall file a notice of completion in accordance with the State Guidelines with the State Clearinghouse, along with ten (10) copies of the draft EIR. The State Clearinghouse will distribute the draft EIR to applicable state agencies.
- B. Notice of Availability.
 - 1. The director shall provide public notice of availability within a reasonable time following issuance of the notice of completion.
 - 2. Notices shall contain the information and be in a form determined by the director.
 - 3. Notices shall be sent to:
 - a. Parties sent the notice of preparation in the manner specified for notices of preparation above;
 - b. Individuals and organizations requesting such notice.
 - 4. Additionally, notice shall be given by at least one of the following procedures:
 - a. Publication, no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area affected by the proposed project; or
 - b. Posting of the notice by the public agency on- and off-site in the area where the project is to be located; or
 - c. Direct mailing to the owners and occupants of contiguous property as shown on the latest equalized assessment roll.
 - 5. Additional notification requirements apply to projects involving the burning of municipal wastes, hazardous wastes, and refuse-derived fuels pursuant to CEQA.

(Ord. 2067, Ord. 2364 §48)

1.40.560 Review of the Draft EIR.

- A. Review Copies. Copies of the draft EIR and notice of availability shall be sent to:
 - 1. Decision-making bodies.
 - 2. Recommending bodies.
 - 3. Appropriate City departments.

4. The Butte County Community Development Director.
 5. The State Clearinghouse pursuant to the notice of completion procedures above. In addition, state agencies known to be responsible or trustee agencies may be contacted directly to expedite a timely response.
 6. The appropriate regional agency, if the project is of statewide, regional, or areawide significance.
 7. Other public agencies and organizations, as determined appropriate by the director, depending on the scope and nature of the proposed project.
 8. The Butte County Library and California State University Chico Library.
- B. Additional Copies for Loan and Sale. Copies of the draft EIR shall also be available at the department offices for loan and for sale to the general public. No less than three copies of the draft EIR shall be printed for public circulation on a first come, first served basis.
- C. Period of Review.
1. The noticed public review period shall be not less than thirty (30) days when no state or federal agency is a responsible or trustee agency for the project.
 2. The noticed public review period shall be not less than forty-five (45) days when a state or federal agency is a responsible or trustee agency for the project.
 3. A shorter environmental review period of not less than thirty (30) days may be established by approval of the State Clearinghouse pursuant to the provisions of the State Guidelines.
 4. A longer review period may be established if determined necessary or appropriate by the director to ensure an adequate period of review by the public and governmental agencies and departments. Review periods shall not in any case be longer than ninety (90) days.

(Ord. 2067, Ord. 2364 §49)

1.40.570 Public Hearing(s) on the Draft EIR.

A public hearing or hearings on the adequacy of the draft EIR may be conducted at the discretion of the decision-making body, depending on the complexity and public controversy involved with the project. Hearings may be convened before the council, recommending body, or planning staff at the discretion of the decision-making body. If so requested by the council, a public hearing or hearings on the adequacy of the draft EIR may be convened before a joint meeting of the recommending body or bodies and the council. Alternately, a hearing may take place concurrently with a public hearing for the proposed project.

At a hearing, anyone may express personal views on the adequacy of the draft EIR, either orally or in writing. Comments received at the public hearing are encouraged to be submitted in written form so as to ensure their adequate transmittal in the final EIR. At the conclusion of the public hearing on the draft EIR, the final EIR and responses to written comments shall be prepared in accordance with the State Guidelines and this chapter.

(Ord. 2067, Ord. 2268)

1.40.580 Preparation of a Final EIR.

A. Contents.

1. Response to Comments. The director shall evaluate and prepare comments received during any public hearings for the project, as well as for all written

comments received prior to the close of the review period, in an expeditious manner.

2. Other Elements. The final EIR shall contain all the elements required pursuant to the State Guidelines in a form determined by the director.

B. Distribution and Notification.

1. Public Agencies. A copy of the final EIR shall be provided to all commenting governmental agencies and departments at least 10 days prior to certification of the final EIR.
2. Other Commenting Entities. All other individuals or parties commenting on the draft EIR or requesting such notice shall be notified that responses to their comments are available for review at City offices and other locations as may be established by the director.

C. Final Environmental Impact Report Review. A minimum 10-day period shall be provided for review of the final EIR after the receipt of comments on the draft EIR and completion of responses thereto before any action is taken to certify the final EIR.

(Ord. 2067, Ord. 2268, Ord. 2364 §50)

1.40.590 Certification of a Final EIR.

A. Basis for Certification. The City Council or other decision-making body shall certify the final EIR prior to project approval only if it finds:

1. The final EIR has been presented to, reviewed, and considered by the decision-making body; and
2. The decision-making body, exercising its independent judgment, has evaluated the adequacy of the documents; and
3. Based on the final EIR and other information contained in the administrative record, the final EIR has been prepared, circulated for public review, and completed in compliance with CEQA.

B. Adoption of Environmental Documents and Project Approval.

1. Recommending bodies for projects may also make a recommendation as to certification of the final EIR. Recommending bodies may also recommend additional mitigation measures, as deemed appropriate to off-set environmental impacts.
2. No project for which an EIR has been prepared shall be approved prior to certification of the final EIR.

(Ord. 2067)

1.40.595 Notice of Determination.

After the director or decision-making body makes a decision to carry out or approve a project for which an EIR has been certified, the director shall file a notice of determination. The notice of determination should be filed promptly following the effective date of the decision with:

- A. The Butte County Clerk;
- B. Organizations and individuals who have previously requested such notice;
- C. The State Clearinghouse only for such projects involving a responsible or trustee agency.

(Ord. 2067, Ord. 2364 §51)

ARTICLE VII. PROCEDURES FOR THE PREPARATION OF A MITIGATION MONITORING PROGRAM

1.40.600 General.

A mitigation monitoring program shall be prepared for and appended to each adopted mitigated negative declaration and each certified EIR.

(Ord. 2067, Ord. 2312 §14)

1.40.610 Contents.

As to each mitigation measure included within it, a mitigation monitoring program shall specify:

- A. The party responsible for implementation of the measure, including responsibility for payment of costs;
- B. The governmental agency, department, or division responsible for monitoring compliance with the measure;
- C. A timeframe for compliance with the measure; and
- D. Requirements for reporting to the director as necessary to ensure compliance with the measure.

(Ord. 2067, Ord. 2312 §15, Ord. 2364 §52)

1.40.620 Revocation of approvals; additional environmental review.

A. Failure to comply with (1) mitigation measures identified in an environmental document for a project and adopted as conditions of approval of the project or (2) mitigation or monitoring requirements in a mitigation monitoring program adopted for a project is cause for the city to:

- 1. Suspend approvals of the project and related permits or other entitlements pending completion of any investigation necessary to determine whether paragraph 2 or 3, or both, apply in the circumstances;
- 2. Revoke approval of the project and related permits or other entitlements for which the environmental document was prepared; or
- 3. Require that additional environmental review be conducted and to modify the project or existing mitigation measures for the project, or to impose new mitigation measures on the project. The form of additional environmental review shall be determined by the director and may include but is not limited to a subsequent or supplemental EIR, an addendum to an existing EIR, or a mitigated negative declaration.

B. Exercise of the authority conferred by this section requires evidence that a failure to comply with a mitigation measure or monitoring requirement has occurred, but does not require evidence that such failure caused or may or will cause a significant environmental impact. The remedies provided by this section are not exclusive remedies, and the city may pursue any other legal or equitable remedies available, including but not limited to criminal prosecution, injunctive relief and restitution.

(Ord. 2312 §17, Ord. 2364 §53)

ARTICLE VIII. PROCEDURES FOR THE CITY AS A RESPONSIBLE AGENCY

1.40.700 General.

When the City has responsibility for carrying out or approving some portion of a project, but does not have primary responsibility for the project, the City complies with CEQA by considering the EIR or negative declaration prepared by the lead agency and by reaching its own conclusions on whether and how to approve the project.

(Ord. 2067)

1.40.710 Consultation with the Lead Agency.

The City shall respond to consultation by the lead agency and shall comment on notices of preparation, draft EIRs, negative declarations, and mitigated negative declarations as specified in the State Guidelines in order to assist the lead agency in preparing adequate environmental documentation for the project.

(Ord. 2067)

1.40.720 Use of Environmental Documents Prepared by Other Jurisdictions.

A. Adequacy of Documents. If the City determines that an EIR, negative declaration, or mitigated negative declaration is not adequate for the project upon which it is deciding, it must either:

1. Challenge the issue in court within thirty (30) days after the lead agency files a notice of determination;
2. Be deemed to have waived any objection to the adequacy of the environmental document;
3. Prepare a subsequent EIR if permissible pursuant to the State Guidelines;
4. Assume the lead agency role as provided for in the State Guidelines.

B. Alternatives and Mitigation Measures.

1. When considering alternatives and mitigation measures as a responsible agency, the City has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.
2. When an EIR has been prepared by another entity, a City decision-making body shall not approve the project as proposed if it finds that there are feasible alternatives or mitigation measures within its power that would substantially lessen or avoid any significant environmental impact of the project.

C. Findings. Prior to approval of projects for which an EIR was prepared, findings shall be made pursuant to Section 15091 of the State Guidelines for each significant effect of the project as necessary.

(Ord. 2067)

1.40.730 Notice of Determination.

A notice of determination should be filed in the same manner specified for negative declarations, mitigated negative declarations, or EIRs prepared by the City as a lead agency. However, the notice does not need to state that the EIR, negative declaration, or mitigated negative declaration was prepared in conformance with CEQA. The notice shall state that the City considered the EIR, negative declaration, or mitigated negative declaration as prepared by the lead agency.

(Ord. 2067)