



MEETING DATE: 03/18/2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JIM SADRO, CITY MANAGER
By: Susan Kim, Director of Community & Economic Development

SUBJECT: CONSIDER THE INITIATION OF ZONE CHANGE 24-01 TO AMEND THE LA HABRA MUNICIPAL CODE RELATED TO THE REQUIREMENTS FOR NOISE VARIANCES, PUBLIC NUISANCES, AND SPECIAL EVENT PERMITS

RECOMMENDATION:

That the City Council direct staff to initiate Zone Change 24-01 to amend the La Habra Municipal Code related to Noise Variances, Public Nuisances, and Special Event Permits.

DISCUSSION:

Staff has identified three areas of the La Habra Municipal Code (LHMC or "Code") that they believe should be updated: Noise Variances, Public Nuisances, and Special Event Permits.

Noise Variances

Chapter 9.32 (Noise Control) of the LHMC provides policy direction towards controlling unnecessary, excessive and annoying sounds. This chapter sets standards for interior and exterior noise. Exterior noise levels are generally limited to 55 decibels ("dB(A)"), during the day between 7:00 am and 10:00 pm, and 50 dB(A), at night between 10:00 pm and 7:00 am. Interior noise levels are generally limited to 55 dB(A), during the day between 7:00 am and 10:00 pm, and 45 dB(A), at night between 7:00 am and 10:00 pm. For reference, 40 dB(A) is about the sound of a quiet library and 60 dB(A) is about the sound of a normal conversation. These are general limitations; there are several exceptions, including noise sources associated with construction, repair, remodeling, or grading of any real property, provided the activities do not take place at night, between 8:00 pm and 7:00 am, or at any time on Sunday or a federal holiday. The City Council last updated Chapter 9.32 (Noise Control) in 1989. The full text of Chapter 9.32 is provided as Attachment 1.

Staff have recently received requests for noise variances to allow for construction work during nighttime hours. Upon review of Chapter 9.32, staff identified that the variance process outlined in Chapter 9.32 includes outdated references to County of Orange ordinances and a "Noise Variance Board" of individuals appointed by the Orange County Board of Supervisors. Therefore, staff is requesting to update Chapter 9.32, to give the Director of Community and Economic Development approval authority for these requests, and allow the decision of the Director to be appealed to the Planning Commission.

Public Nuisances

Chapters 18.72 (Enforcement) and 18.74 (Neighborhood Preservation, Code Enforcement and Abatement) both regulate the actions that the City can take in the event of a public nuisance. Chapter 18.72 was adopted by Ordinance 729 in 1968 (as Chapter 10.5) and hasn't been significantly updated since that time. In 2010, as part of a comprehensive zoning code update, the chapter was renumbered Chapter 18.72. The full text of Chapter 18.72 is provided as Attachment 2. Chapter 18.74 was adopted by Ordinance 1478 in 1994, and has only been updated to clarify the penalty for not maintaining a property (2000), requirements to maintain and secure vacant properties (2003), changes in chapter numbering (2010), and maintenance requirements for artificial turf (2011). The full text of Chapter 18.74 is provided as Attachment 3. Staff has recently processed several public nuisance determinations. As a result of these cases, staff has identified the need to update these chapters. Therefore, staff is requesting to update and consolidate Chapters 18.72 and 18.74 to more accurately and comprehensively reflect current procedures, enforcement and abatement.

Special Event Permits

The requirements to hold temporary outdoor promotional events conducted as part of an existing business or in conjunction with a non-profit organization are permitted within the City of La Habra upon the granting of a Special Event Permit. Temporary outdoor sales do not include seasonal commercial sales, such as Pumpkin Patches and Christmas Tree Lots, which are governed by LHMC Section 5.04.610. The requirements and fees to process a Special Event Permit are identified in the application document, and for large events, additional information is required to be submitted through the Planning Division General Information Packet (see Attachments 4 and 5). However, these requirements and fees are not codified in the LHMC, which can result in issues related to enforcement and fee increases. Therefore, staff is requesting to amend the LHMC to codify the City's requirements for Special Event Permits.

Next Steps

If the City Council initiates the requested updates to the LHMC, staff will prepare a draft ordinance and staff report for review by the Planning Commission at a noticed public hearing. The Planning Commission will, by resolution, make a recommendation to the City Council on the adoption of the draft ordinance. The City Council will then review the Zone Change at public hearing and will introduce the draft ordinance. If the City Council chooses to adopt the ordinance, the adoption will occur at a subsequent meeting and become effective 30 days later.

FISCAL IMPACT/SOURCE OF FUNDING:

Costs associated with City-initiated amendments to the LHMC are included as part of the Planning Division's annual budget.

GENERAL PLAN RELEVANCE/CITY COUNCIL GOALS & OBJECTIVES:

Applicable General Plan Goals:

- Goal LU 11: Diverse Districts and Corridors. Vital, active, prosperous, and well-designed commercial districts that provide a diversity of goods, services, and entertainment and contribute to a positive experience for visitors and community residents.
- Goal ED 2: Business Attraction, Retention and Assistance. Responsive support of new and expanding businesses within the community.
- Goal H 2: Housing Maintenance and Conservation. Maintained and conserved housing in each neighborhood in a decent, safe, and sanitary condition where adequate public facilities and services are provided and the quality of life is protected from encroachment of other uses or environmental hazards.
- Goal N 1: Noise Environment. Ambient noise levels that are compatible with La Habra's small town character and are not disruptive to the residents' quality of life.
- Goal N 3: Stationary Noise Sources. Minimized noise impacts of non-transportation-related sources on sensitive receptors.

Applicable City Council Goal and Objectives: Goal 5: Development Activity and Business Assistance:

- Objective A: Identify blighted properties within the community and prepare targeted strategies to address the challenge
 - Objective C: Work closely with commercial and residential property-owners to improve and maintain the appearance of their properties
 - Objective D: Continue to improve the City's business retention and expansion program
 - Objective E: Continue to evaluate and improve the City's development review process and continue to foster a "business friendly" environment within all City departments
 - Objective O: Review the Zoning Code on an on-going basis and process amendments that ensure compliance with recent State legislation, streamline project processing, remove unnecessary regulations, and/or make the Zoning Code easier to implement
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Title 9. Public Peace and Welfare

Chapter 9.32. NOISE CONTROL

§ 9.32.010. Declaration of policy.

- A. In order to control unnecessary, excessive and annoying sounds emanating from areas of the city, it is declared to be the policy of the city to prohibit such sounds generated from all sources as specified in the ordinance codified in this chapter.
- B. It is determined that certain sound levels are detrimental to the public health, welfare and safety, and contrary to public interest, therefore, the city council does ordain and declare that creating, maintaining, causing or allowing to create, maintain or cause any noise in a manner prohibited by or not in conformity with the provisions of this chapter, is a public nuisance and shall be punishable as such.

(Ord. 880 § 1, 1973; Ord. 923 § 1(A), 1975)

§ 9.32.020. Definitions.

The following words, phrases and terms, as used in the ordinance codified in this chapter, shall have the meaning as indicated in this section:

“Ambient noise level” means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

“Cumulative period” means an additive period of time composed of individual time segments which may be continuous or interrupted.

“Decibel” (dB) means a unit which denotes the ratio between two quantities which are proportional to power: the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

“Emergency machinery, vehicles or work” means any machinery vehicle or work used, employed or performed in an effort to protect, provide or restore safe conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

“Fixed noise source” means a stationary device which creates sounds while fixed or motionless, including, but not limited to, industrial and commercial machinery and equipment, pumps, fans, compressors, generators, air conditioners and refrigeration equipment.

“Grading” means any excavating or filling of earth material or any combination thereof conducted to prepare a site for construction or other improvements thereon.

“Impact noise” means the noise produced by the collision of one mass in motion with a second mass which may be either in motion or at rest.

“Licensed” means the issuance of a formal license or a permit by the appropriate jurisdictional authority, or where no permits or licenses are issued, the sanctioning of the activity by the jurisdiction as noted in public records.

“Mobile noise source” means any noise source other than a fixed source.

“Noise level” means the “A” weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty micronewtons per square meter. The unit measurement shall be designated as dB(A).

“Noise variance board” means an administrative board of five members appointed by the board of supervisors of the county of Orange, per Title 4, Division 6, Article 1 of the codified ordinances of the county of Orange.

“Person” means a person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

“Simple noise tone” means a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

“Sound level meter” means an instrument meeting American National Standard Institutes Standards S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

“Sound pressure level” of a sound, in decibels, means twenty times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

“Residential property” means a parcel of real property which is zoned, developed, and used for residential purposes, other than transient uses such as hotels and motels.
(Ord. 880 § 2, 1973; Ord. 923 § 1(B), (C), (D), 1975)

§ 9.32.030. Noise level measurement criteria.

Any noise level measurements made pursuant to the provisions of this chapter shall be performed using a sound level meter as defined in subsection N of Section 9.32.020.
(Ord. 880 § 3, 1973)

§ 9.32.040. Assignment of residential properties to noise zones.

The residential properties described in this section are assigned to the following noise zones:

Noise Zone 1: All residential properties, whether incorporated or unincorporated.
(Ord. 880 § 4, 1973; Ord. 923 § 1(E), 1975)

§ 9.32.050. Noise standards—Exterior.

A. The following noise standards, unless otherwise specifically indicated, shall apply to all residential property within a designated noise zone:

Noise Standards		
Noise Zone	Noise Level	Time Period
1	55 dB(A)	7:00 a.m.—10:00 p.m.

Noise Standards		
Noise Zone	Noise Level	Time Period
	50 dB(A)	10:00 p.m.—7:00 a.m.

- B. It is unlawful for any person at any location within the incorporated area of the city to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on any other residential property either incorporated or unincorporated, to exceed:
1. The noise standard for a cumulative period of more than thirty minutes in any hour; or
 2. The noise standard plus five dB(A) for a cumulative period of more than fifteen minutes in any hour; or
 3. The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour; or
 4. The noise standard plus fifteen dB(A) for a cumulative period of more than one minute in any hour; or
 5. The noise standard plus twenty dB(A) for any period of time.
- C. In the event the ambient noise level exceeds any of the five noise limit categories set forth in subsection **B1** through **B5** of this section, the cumulative period applicable to the category shall be increased to reflect the ambient noise level. Furthermore, the maximum permissible noise level shall never exceed the maximum ambient noise level.
- D. Each of the noise limits specified in subsection **A** shall be reduced by five dB(A) for impact or simple tone noises, or for noises consisting of speech or music.
(Ord. 880 § 5, 1973; Ord. 923 § 1(F), 1975)

§ 9.32.060. Noise standards—Interior.

- A. The following noise standards, unless otherwise specifically indicated, shall apply to all residential property within a designated noise zone:

Noise Standards		
Noise Zone	Noise Level	Time Period
1	55 dB(A)	7:00 a.m.—10:00 p.m.
	45 dB(A)	10:00 p.m.—7:00 a.m.

- B. It is unlawful for any person at any location within the incorporated area of the city to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured within any other dwelling unit on any residential property to exceed:
1. The noise standard for a cumulative period of more than five minutes in any hour; or
 2. The noise standard plus five dB(A) for a cumulative period of more than one minute in any hour; or
 3. The noise standard plus ten dB(A) for any period of time.
- C. In the event the ambient noise level exceeds any of the three noise limit categories set forth in subsection A1 through A3 of this section, the cumulative period applicable to the category shall be increased to reflect the ambient noise level. Furthermore, the maximum permissible noise level shall never exceed the maximum ambient noise level.

- D. Each of the noise limits specified in subsection **A** shall be reduced by five dB(A) for impact or simple tone noises, or for noises consisting of speech or music.
(Ord. 880 § 6, 1973; Ord. 923 § 1(G), 1975)

§ 9.32.070. Activities exempt from chapter provisions.

The following activities shall be exempted from the provisions of this chapter except as regulated under Sections **12.28.090** and **12.28.100** of this code:

- A. School bands, school athletic and school entertainment events;
- B. Outdoor gatherings, public dances, shows and sporting and entertainment events provided the events are conducted pursuant to a permit issued by the city pursuant to Chapter **5.32** relative to the staging of said events;
- C. Activities conducted on public parks, public playgrounds, and public or private school grounds;
- D. Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work;
- E. Noise sources associated with construction, repair, remodeling, or grading of any real property, provided the activities do not take place between the hours of eight p.m. and seven a.m. on weekdays, including Saturday, or at any time on Sunday or a federal holiday;
- F. All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions;
- G. Mobile noise sources associated with agricultural operations provided such operations do not take place between the hours of eight p.m. and seven a.m. on weekdays, including Saturday or at any time on Sunday or a federal holiday;
- H. Mobile noise sources associated with agricultural pest control through pesticide application; provided, that the application is made in accordance with restricted material permits issued by or regulations enforced by the agricultural commissioner;
- I. Noise sources associated with the maintenance of real property provided the activities take place between the hours of seven a.m. and eight p.m. on any day except Sunday or federal holiday, or between the hours of nine a.m. and eight p.m. on Sunday or federal holiday;
- J. Any activity to the extent regulation thereof has been preempted by state or federal law.
(Ord. 923 § 1(H), 1975; Ord. 1367 § 1, 1989)

§ 9.32.080. Noise level—Near schools, hospitals and churches.

It is unlawful for any person to create any noise which causes the noise level at any school, hospital or church while the same is in use, to exceed the noise limits as specified in Section **9.32.050** prescribed for the assigned noise zone in which the school, hospital or church is located, or which noise level unreasonably interferes with the use of such institutions or which unreasonably disturbs or annoys patients in the hospital, provided conspicuous signs are displayed in three separate locations within one-tenth of a mile of the institution indicating the presence of a school, church or hospital.
(Ord. 880 § 9, 1973; Ord. 923 § 1, 1975)

§ 9.32.090. Noise level—Location of measurement.

The location selected for measuring exterior noise levels shall be at any point on the affected residential property. Interior noise measurement shall be made within the affected residential unit. The

measurement shall be made at a point at least four feet from the wall, ceiling or floor nearest the noise source.

(Ord. 880 § 11, 1973; Ord. 923 § 1, 1975)

§ 9.32.100. Enforcement authority—Interference with prohibited.

- A. The county health officer and his/her duly authorized representatives are directed to enforce the provisions of this chapter. The county health officer and his/her duly authorized representatives are authorized, pursuant to **Penal Code** Section 836.5, to arrest any person without a warrant when they have reasonable cause to believe that such person has committed a misdemeanor in their presence.
- B. No person shall interfere with, oppose or resist any authorized person charged with enforcement of this chapter while such person is engaged in the performance of his/her duty.

(Ord. 880 § 12, 1973; Ord. 923 § 1, 1975)

§ 9.32.110. Variance—Application—Fee—Applicants remain subject to prosecution.

- A. The owner or operator of a noise source which violates any of the provisions of this chapter may file an application with the health officer for a variance from the provisions thereof wherein the owner or operator shall set forth all actions taken to comply with the provisions, the reasons why immediate compliance cannot be achieved, a proposed method of achieving compliance, and a proposed time schedule for its accomplishment. The application shall be accompanied by a fee as set by resolution of the city council and on file in the office of the city clerk. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership, or several fixed sources on a single property may be combined into one application.
- B. Upon receipt of the application and fee, the health officer shall refer it with his/her recommendations thereon within thirty days to the noise variance board for action thereon in accordance with the provisions of this chapter.
- C. An applicant for a variance shall remain subject to prosecution under the terms of this chapter until a variance is granted.

(Ord. 880 § 13, 1973; Ord. 923 § 1, 1975; Ord. 1213 §§ 2, 3, 1983)

§ 9.32.120. Variance—Authority to grant—Terms and conditions—Violation unlawful.

The noise variance board shall evaluate all applications for variance from the requirements of this chapter and may grant the variances with respect to time for compliance, subject to such terms, conditions and requirements as it may deem reasonable to achieve maximum compliance with the provisions of this chapter. The terms, conditions and requirements may include, but shall not be limited to, limitations on noise levels and operating hours. Each such variance shall set forth in detail the approved method of achieving maximum compliance and a time schedule for its accomplishment. In its determinations the board shall consider the magnitude of nuisance caused by the offensive noise; the uses of property within the area of impingement by the noise; the time factors related to study, design, financing and construction of remedial work; the economic factors related to age and useful life of equipment; and the general public interest and welfare. Any variance granted by the board shall be by resolution and shall be transmitted to the health officer for enforcement. Any violation of the terms of the variance shall be unlawful.

(Ord. 880 § 14, 1973; Ord. 923 § 1, 1975)

§ 9.32.130. Variances—Appeals.

- A. Within fifteen days following the decision of the variance board on an application the applicant, the health officer, or any member of the city council, may appeal the decision to the city council by filing a notice of appeal with the secretary of the variance board. In the case of an appeal by the applicant for a variance, the notice of appeal shall be accompanied by a fee to be computed by the secretary on the basis of the estimated cost of preparing the materials required to be forwarded to the city council as discussed hereafter in this section. If the actual cost of such preparation differs from the estimated cost, appropriate payments shall be made either to or by the secretary.
- B. Within fifteen days following receipt of a notice of appeal and the appeal fee, the secretary of the variance board shall forward to the city council copies of the application for variance; the recommendation of the health officer; the notice of appeal; and all evidence concerning the application received by the variance board and its decision thereon. In addition, any person may file with the city council written arguments supporting or attacking the decision and the city council may in its discretion hear oral arguments thereon. The city clerk shall mail to the applicant a notice of the date set for hearing of the appeal. The notice shall be mailed at least ten days prior to the hearing date.
- C. Within sixty days following its receipt of the notice of the appeal, the city council shall either affirm, modify or reverse the decision of the variance board. Such decision shall be based upon the city council's evaluation of the matters submitted to the city council in light of the powers conferred on the variance board and the factors to be considered, both as enumerated in Sections **9.32.110** and **9.32.120**. As part of its decision the council may direct the variance board to conduct further proceedings on the application. Failure of the city council to affirm, modify or reverse the decision of the variance board within the sixty-day period shall constitute an affirmance of the decision.

(Ord. 923 § 14, 1975)

Title 18. Zoning

Article IV. Administrative

Chapter 18.72. ENFORCEMENT

§ 18.72.010. Responsibility generally—Right of entry.

The provisions of this title shall be interpreted and administered by the department of building and safety, whose inspectors or authorized representatives shall have the right to enter upon any premises affected by this title for purposes of inspection. Any such interpretations and administrative decisions may be appealed to the planning commission.

(Ord. 1719 § 1, 2010)

§ 18.72.020. Conformance of permits and licenses.

All departments, officials and public employees of the city, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this title and shall issue no permit or license for uses, buildings or purposes in conflict with this title, and any such permit or license issued in conflict with this chapter shall be null and void.

(Ord. 1719 § 1, 2010)

§ 18.72.030. Violation—Nuisance.

Any building or structure erected or maintained, or any use of property, contrary to this chapter is unlawful and a public nuisance and the city attorney shall immediately commence actions and proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps, and shall apply to any court as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from erecting or maintaining such building or structure, or using any property contrary to this title.

(Ord. 1719 § 1, 2010)

§ 18.72.040. Violation—Injunction.

This title may also be enforced by injunction issued out of the Superior Court upon the suit of the city or the owner or occupant of any real property affected by such violation or prospective violation. This method of enforcement shall be cumulative and in no way affect the penal provisions of this code.

(Ord. 1719 § 1, 2010)

Title 18. Zoning

Article IV. Administrative

Chapter 18.74. NEIGHBORHOOD PRESERVATION, CODE ENFORCEMENT AND ABATEMENT

§ 18.74.010. Purpose and alternative actions.

- A. In order to further the stated goals of the city, and, more particularly, for the stabilization of the economic and social aspects of a neighborhood, and the promotion of aesthetic considerations and to protect its citizens and their property, the city council has determined that an ordinance is necessary to effectively abate conditions or activities in this city which constitute a public nuisance. The purpose of this chapter is to require the maintenance of property on commercial, industrial and residentially zoned property. The city council recognizes that the use of property for residential use includes those customary activities which make the home more comfortable and enjoyable, such as gardening, certain recreational activities, and the enjoyment of certain hobbies. The scope of such activity is circumscribed only insofar as it may not assume a commercial or public character, or constitutes a health hazard or safety hazard, or is detrimental to other properties in the neighborhood. Any zoning restrictions contained herein are intended to retain the highest residential and aesthetic value to the property owners and the city.
- B. It is the intention of the city council, in adopting the ordinance codified in this chapter, to set forth general guidelines for determining what conditions/activities constitute a nuisance; to establish a method for giving notice of the conditions and an opportunity to correct them; and finally, in the event the nuisance is not corrected, to provide a procedure which allows the property owner reasonable notice and a reasonable opportunity to be heard on the issues of (1) whether a nuisance exists on the property; and (2) whether in fairness and in justice there is no other way to eliminate the nuisance.
- C. It is the purpose of the provisions of this chapter to provide a just, equitable and practical method, to be cumulative with and in addition to any other legal remedy, criminal or civil, established by law which may be pursued to address violations of this municipal code. Nothing in this chapter shall be deemed to prevent the city from at any time commencing a civil or criminal proceeding to abate a public nuisance or from pursuing any other means available to it under provisions of applicable ordinances or state law to correct hazards or deficiencies in real property in addition to or as alternatives to the proceedings herein set forth.
- D. This chapter does not affect or alter nuisance abatement procedures established or which may be established in other chapters of this municipal code. This chapter is not the exclusive regulation of property maintenance. It shall be supplemental and in addition to the other regulatory codes, statutes, and ordinances heretofore or hereinafter enacted by the city, state of California, or any other legal entity or agency having jurisdiction.
- E. In addition to the abatement procedures provided herein, this chapter defines what conditions or activities constitute a public nuisance. The city council declares that any condition or activity caused, maintained or permitted to exist in violation of any provisions of this code which is offensive

or annoying to the senses, or is detrimental to property values or community appearance, or is injurious so as to pose a serious threat to the public's health, safety or welfare, shall be deemed a public nuisance and may be abated consistent with the procedures provided for in this chapter.

(Ord. 1719 § 1, 2010)

§ 18.74.020. Administration and enforcement.

- A. The community preservation technicians, building officials, and the manager shall have the authority to issue citations should there be no response to the initial notice of an incident constituting a nuisance as defined in this chapter as opposed to the general policy of first issuing correction notices.
- B. The issuance of citations to enforce provisions as contained in this chapter shall be governed by Title 1 of this code.
- C. Any person authorized by the manager to administer this chapter may, with the consent of the property owner or the person in possession thereof, enter upon private property at all reasonable times for the purposes specified in this chapter including, but not limited to, entry for inspection and for enforcement of this chapter, to examine vehicles or parts thereof, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter. Where consent is refused or cannot be obtained, a judicial warrant which authorizes entry into the property to inspect and abate must be obtained.
- D. When such entry is to be made in an area which is fenced or posted and which is within the "curtilage" area immediately surrounding the residence the following procedures shall apply in the absence of state legislation creating an abatement warrant procedure:
 - 1. An attempt shall be made to obtain the written consent of the property owner to enter the property and to abate the nuisance. An initial request for entry within ten days, utilizing a stamped and addressed return addressed envelope shall be mailed to the property owner at the address shown on the last equalized assessment roll or the supplemental roll, whichever is more current. If consent to enter enclosed private property for purposes of this chapter is refused by the property owner or occupant, the city attorney shall, at his/her option, send a second demand letter. If again entry is refused or if the city attorney determines that a second demand letter is not feasible, the city attorney shall, utilizing an inspection warrant procedure detailed in California Code of Civil Procedure Section 1822.50 et seq., apply to a judicial officer for a warrant which authorizes entry onto property for the purposes of abatement in connection with issuing the warrant.
 - 2. If exigent circumstances exist which pose an immediate threat to public health and safety or if facts and circumstances exist to reasonably justify a failure to seek consent from the property owner, the city attorney shall seek relief from the court and cause the issuance of a forcible warrant by the court pursuant to Section 1822.56 of the California **Code of Civil Procedure**.

(Ord. 1719 § 1, 2010)

§ 18.74.030. Definitions.

For the purpose of this chapter, words and phrases designated herein have the following meanings:

"Abandoned," in addition to such other definitions that may be provided in law, means and refers to any item of property which has been given up absolutely, without reference to any particular person; or some overt act or failure to act which carries an implication that the owner neither claims nor retains any interest. In determining whether one has abandoned his/her property, the following factors shall be considered:

- 1. Present operability and functional utility, although mere nonuse is not necessarily an abandonment;

2. The date of last effective use accompanied by acts manifesting an intent to abandonment;
3. The physical condition of disrepair or damage;
4. The last time an effort was made to repair or rehabilitate the item;
5. The status of registration or licensing of the item;
6. The age of the item and degree of obsolescence;
7. The cost of rehabilitation or repair of the item versus its market value;
8. The nature of the area and location of the item;
9. The physical location of the owner.

“Appeals board” means the planning commission, which shall hear appeals arising from all abatement proceedings arising from enforcement of this chapter.

“Director” means the director of planning of the city or authorized agents, assistants, deputies or representatives.

“Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes streets and alleys.

“Manager” or “city manager” means the city manager of the city of La Habra or designee.

“Nuisance” means any activity or condition which poses a danger and serious threat to health or safety, or may be injurious to the public health, if not suppressed or regulated, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any public park, square, street or highway.

“Occupant” means any person or entity having possessory rights, who can control what goes on premises, whether as a tenant or owner.

“Officer” or “designated officer” means any officer of the city selected by the manager, or if the manager elects to contract for a hearing officer, that individual selected by the manager authorized to administratively adjudicate public nuisance proceedings.

“Owner” means any person or entity owning, leasing, occupying or having charge or possession of any real or personal property in the city. Owner as applied to real property is the legal owner, one in whom that legal title of real estate is vested.

“Planning commission” or “commission” means the planning commission of the city of La Habra.

“Polluted water” means water contained in a swimming pool, pond or other body of water which is abandoned, unattended, unfiltered or not otherwise maintained resulting in the water becoming polluted which includes but is not limited to bacterial growth, algae, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, debris, papers and any other foreign matter or material which because of its nature, amount or location constitutes an unhealthy, unsafe or unsightly condition.

“Premises” means an estate, including land and buildings thereon, encompassing a definite and distinct locality, such as a room, shop, building, structure or other definite area, or a distinct portion of real estate.

“Private nuisance” means every nuisance other than a public nuisance.

“Public nuisance” means any nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or

damage inflicted upon individuals may be unequal.

“Recreational vehicle” means a vehicle, boat, vessel or other type of portable structure, with or without a mode of power, and without permanent foundation, which can be towed, hauled, sailed, flown or driven, and is designed, used, or maintained primarily for recreational purposes, such as, but not limited to, travel trailers, tent trailers, camping trailers, motor homes, buses converted to recreational or other noncommercial uses, vans, trucks with or without camper shells, campers, motorcycles, off-road vehicles, aircraft, boats or other vessels.

“Refuse and waste” means unused or discarded matter and material having no substantial market value and which consists of such matter and material as: rubbish, refuse, debris and matter of any kind including but not limited to rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, boxes, appliances, furniture, inoperative vehicles and parts thereof, trimmings from plants and items which are offensive or odorous. Refuse and waste matter, which by reason of its location and character is unsightly and interferes with the reasonable enjoyment of property by neighbors, or which would materially hamper or interfere with the prevention or suppression of fire upon the premises.

“Vehicle” means a device by which any person or property may be propelled, moved or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(Ord. 1719 § 1, 2010)

§ 18.74.040. Declaration of nuisance.

It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the city to maintain upon such premises or to permit, cause or allow to exist on such premises, any condition which constitutes a public nuisance as defined by this chapter or a condition that is determined to be detrimental to the public health, safety or general welfare. Such conditions shall include, but shall not be limited to, the following:

A. Landscape Areas.

1. Maintenance of Dead/Overgrown Vegetation. To maintain vegetation, including, but not limited to, trees, shrubbery, weeds and grass greater than six inches in height, cultivated or uncultivated, which is overgrown, dead, decayed or diseased such that it is likely to harbor rats, vermin, insects, other animals, or other nuisances which are dangerous to the public health, safety or general welfare; or
2. Maintenance of Adverse Topography. To maintain land, the topography, geology or configuration of which causes erosion, subsidence or surface water runoff problems of such magnitude as to be injurious or potentially injurious to the public health, safety or general welfare; or
3. Maintenance of Uncompacted Fill. To maintain on the property or premises any accumulation of uncompacted fill over three feet in height over predominant grade and contrary to adjacent contour for any period when such accumulation would seriously endanger public health or safety; or
4. Maintenance of Excavations and Piles of Dirt. To maintain excavations and piles of dirt such that they constitute a hazard to unwary passersby or to minor children, and are detrimental to the public health, safety or general welfare; or
5. Maintenance of Underground or Aboveground Storage Tanks. To fail to remove underground or aboveground storage vessels or tanks within six months after the use of such tanks or vessels ceases pursuant to the Uniform Fire Code Section 79.115 or to maintain underground tanks contrary to the provisions of the California State **Health and Safety Code** Sections 25280 through 26299.6 inclusive; or

6. Maintenance of Vacant Lots. To fail to maintain a vacant lot in the city in accordance with the requirements of Section **18.74.040(E)**; or
7. Maintenance of Artificial Turf. The property owner shall be responsible for the maintenance of all artificial turf at all times. The property owner shall be responsible for the replacement/repair of artificial turf due to the following issues, but not limited to: fading; unnatural appearance; stains; rips; tears; weeds; debris; impressions; has improper water drainage forming small ponds that could be attractive to vectors; lumps or rolls causing an unsecure or unsafe surface; or graffiti.

B. Main Building and Accessory Structures.

1. Maintenance of Dilapidated Structures. To maintain buildings or structures, or portions thereof, which are damaged, dilapidated, or inadequately or improperly maintained such that they are structurally unsafe, or do not provide adequate egress, or which constitute a fire hazard, or which are otherwise dangerous to human life or which in relation to existing use constitute a serious threat to the public's health, safety and general welfare. This includes any building, structure or property which has been constructed or is maintained in violation of any specific regulation applicable to a building, structure or property contained in the building codes of this city, or any law of the city or state relating to the condition, location, maintenance or construction of buildings or property. Such buildings or structures shall include those which are abandoned, hazardously or inadequately boarded up, partially destroyed, or in an unreasonable state of partial construction. An unreasonable state of partial construction is defined as any unfinished building or structure which has been in the course of construction two years or more, and where the appearance and other conditions of the unfinished building or structure substantially detracts from the appearance of the immediate neighborhood or reduces the property values in the immediate neighborhood; or
2. Maintenance of Hazardous Conditions. To maintain some activity or condition that would seriously endanger public health or safety and which is related to buildings, structures or appendages, walls, fences or landscaping which requires immediate correction, repair or adequate and proper maintenance, including but not limited to the existence of broken glass in doors or windows which are located in an area of public access; surfaces showing evidence of excessive dry rot, warping or termite infestation; absence of paint, stain, varnish or similar coating intended to protect the weatherability of any structural member; doors, aisles, passageways, stairways or other means of exit which do not provide a safe and adequate means of exit; any wall or other vertical structural member which lists, leans or is buckled to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base; or any other condition which because of a lack of proper sanitation or soundness, or as a result of dilapidation, decay, damage or faulty construction or arrangement, may be injurious to the public health and safety if not suppressed or regulated; or
3. Abandoned Buildings. To abandon or vacate any building or structure so that it becomes readily available to unauthorized persons; or
4. Violate Land Use Ordinance, Licensing and Building Codes. To construct, erect, alter, move or maintain any building or structure contrary to the provisions of the La Habra land use ordinance, or to use any property contrary to such ordinance, or fail to comply with any condition attached to the granting of a conditional use permit, variance, or site plan; or to conduct or operate a commercial activity in any zone without a business license and in direct violation of zoning, licensing and building codes regarding location, compatibility and occupancy; or
5. Violate Sign Ordinance. Any sign or sign structure maintained in violation of Chapter **15.40** of this code; or
6. Maximum Percentage of Front Yard to be Covered with Impervious Materials. The coverage of more than sixty percent of the front yard of residential properties by pavement or other hardscape (impervious) material which may be used for the temporary parking of vehicles is prohibited. When practical difficulties exist that require a greater front yard coverage than

allowed by this section, approval of a zone variance is required in order to obtain permission to increase the percentage of front yard coverage. The planning commission may, upon sufficient showing of need by the applicant, increase the front yard coverage to a maximum of eighty percent. In consideration of such an increase, the planning commission shall be guided by a review of the size and configuration of the proposed coverage as compared with other similar developments in the same zone or vicinity.

C. Supplemental Conditions.

1. Maintenance of Detrimental Property Conditions. To maintain or fail to maintain property, or any building or structure thereon, in such condition so that it is defective, unsightly, or in such condition of deterioration or disrepair that it causes or will cause a health or safety hazard or in such a manner as to constitute a public nuisance as defined in California **Civil Code** Section 3480, including, but not limited to, anything dangerous to human life or detrimental to human health, or any habitation that is overcrowded with occupants or that lacks adequate ventilation, sanitation or plumbing facilities, or that constitute a fire hazard; or
2. Maintenance of Unharmonious Uses. To use or maintain, or fail to use or maintain the property, or any building or structure thereon, in such a manner or condition so out of harmony or conformity with the use or maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property values of such adjacent properties; or
3. Maintenance of Hazardous Pools, Ponds, Polluted Water and Excavations.
 - a. To maintain ponds, pools, polluted water or unenclosed or empty swimming pools such that they constitute a hazard to unwary passersby or to minor children, and are detrimental to the public health, safety or general welfare,
 - b. Further, to maintain excavations, ponds, pools, or unenclosed or empty swimming pools contrary to the provisions of Chapter **15.32** of the La Habra Municipal Code; or
4. Maintenance of Miscellaneous Conditions or Activities which Are Detrimental to Property Values or Community Appearances. To place, maintain, hang, dry, or air clothing, household fabric or laundry on or from any manmade or natural device, including, but not limited to, clotheslines, fences, open windows, balconies, trees or shrubbery in a front or side yard that abuts a public street; or
5. Storage of Construction Material/Equipment in Residential Zone. To park or store on any street or property within a residential zone construction equipment, buses, limousines, tow trucks, flatbed trucks, grading equipment, tractors trailers, truck tractors, any other commercial vehicle over twenty-two feet long or eight feet in height or ninety inches wide, supplies, materials or machinery of any type or description. Commercial vehicles, for the purpose of this section, shall be defined as any motorized or nonmotorized vehicle used or maintained to transport property or goods for profit, or persons for hire or compensation. This section shall not apply to lawfully placed construction vehicles, machinery, equipment, supplies or materials during the period in which a valid building permit exists for the on-site construction, rehabilitation, remodel, or refurbishment of a residential property on which or in front of which the construction vehicles, machinery, equipment, materials and supplies are parked or stored; provided, that said work is progressing normally and diligently and the vehicles, machinery, equipment, materials and supplies are just those needed for the particular work being performed; or
6. Storage of Discarded Materials. To store refuse and waste in such a manner or in such condition as to be detrimental to the public health, safety, or general welfare or which is detrimental to nearby property values or community appearance; or
7. Storage of Trash/Garbage Containers. To store trash or garbage cans, bins, boxes or other such containers in any single-family residential yard area, parking area, front or side yard, such that they are visible from a highway as defined herein on other than regularly scheduled pick up days and which are detrimental to nearby property values, improvements or the public

health, safety or general welfare. Refuse containers may be placed at the collection location in public view between four p.m. on the day preceding collection until ten p.m. on the day of collection. Dumpsters or storage bins may be located in front yard areas with an active building permit that covers excavation, construction or demolition operations, or for a period not to exceed seventy-two hours for general cleanup of the subject property; or

8. Storage of Hazardous Materials.

- a. To improperly store, discharge, hold, handle, maintain, use or otherwise deal with hazardous or extremely hazardous wastes as defined by California **Health and Safety Code** Sections 25115, 25117, 25117.5 and 25124 respectively. Hazardous shall be defined by **Health and Safety Code** Section 25116.5 which states, in part, "causing or significantly contributing to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or posing a substantial present or potential risk to human health or the environment,"
- b. This includes the discharge or deposit of any source of hazardous, infectious or extremely hazardous waste into any sewer, storm drain or similar facility which will or may cause or result in the pollution of any underground or surface water. Examples include but are not limited to petroleum products, laboratory wastes, specimens (pathological or surgical) or equipment,
- c. Furthermore, any violation of federal, state, or local laws or regulations, including but not limited to California Health and Code Sections 25100 through 25185 and Section 4-3 of the Orange County Code, and all their respective amendments, shall constitute a public nuisance under this part; or

9. Fences and Walls. To maintain fences, walls or similar structures which are not structurally intact or that are damaged, dilapidated or in nonconformance with specific provisions contained in zoning ordinances; or

10. Driveways, Walkways and Potholes. To maintain driveways or walkways in such a condition so as to be injurious or potentially injurious to the public health, safety or general welfare; or

11. Animals, Reptiles or Insects. To keep any animal, reptile or insect in such a manner as to pose a threat, disturbance or menace to persons or property of another or in a public right-of-way; or

12. Machinery Dust, Exhaust, Noise or Fumes. To keep, operate or maintain any machinery which by reason of its dust, exhaust, noise or fumes creates a health or safety hazard; or

13. Buildings or Structures with Broken Windows. To maintain buildings or structures in such a condition so as to allow broken windows to remain unboarded longer than twenty-four hours from the date of the first "Notice of Correction," or so as to allow any construction material utilized in the boarding up process to remain attached or affixed to the building or structure for longer than any five-day period or to maintain buildings or structures in such a condition so as to allow broken windows to be injurious or potentially injurious to the public health.

D. Vehicles—Living in Recreational Vehicle. To use a parked or stored recreational vehicle as temporary or permanent living space.

E. Vacant Lots. To fail to maintain a vacant lot, located in a residential, commercial or industrial zones of the city, in accordance with the following minimum landscape requirements:

1. Vacant Lots With No Previous Development. Vacant lots where no previous development has taken place, and where none currently exists, shall not permit vegetation to be over six inches in height in accordance with Section 18.74.040(A)(l).
2. Vacant lots where previous development existed and structures were/are removed. Vacant lots which were previously developed, but where all, or substantially all, of the structures on the property have been removed, shall be maintained as follows:

- a. The number of trees and size to be provided along the street setback area(s) shall be in accordance with Section 18.16.040(A)(4). The entire lot, including parkways, shall be improved with sod or other ground planting material as approved by the director of community development. The property, including parkways, shall be improved with an irrigation system to maintain the installed landscaping in good condition. All approved landscaping shall be maintained in good condition at all times.
 - b. In addition to complying with any and all county, state and federal requirements, lots that have been deemed contaminated by the Orange County Health Department or any other governmental agency, shall be landscaped in the following manner:
 - i. Where the ground water table is twenty feet or less from surface grade, palm trees shall be utilized along the street setback in accordance with the requirements in Section 18.16.040(A)(4). The entire lot shall be improved with a drought tolerant groundcover variety. The irrigation system shall be designed utilizing drip irrigation techniques. All approved landscaping shall be maintained in good condition at all times.
 - ii. Where the groundwater table is twenty-one feet or more from surface grade, the property owner shall maintain the lot in accordance with the requirements of subsection **(E)(2)(a)**, noted above, in addition to complying with the remaining requirements of subsection **(E)(2)**.
 - c. Within thirty days of a lot becoming vacant within the meaning of this section or before issuance of demolition permits, the property owner shall submit a landscape and irrigation plan in compliance with the requirements of this section, along with a schedule for implementation for the proposed improvements, to the director of community development for his/her approval. Upon the approval of the plan, full improvements to the property shall be completed within thirty days. A reasonable extension of time may be granted by the director of community development in those situations where the director, in his/her sole discretion, determines that a good faith effort is being made by the property owner to comply with the ordinance.
 - d. The director of community development, in his/her discretion, may require that any lot covered by this section be secured with a fence, to preclude illegal dumping on the property, or to otherwise protect the health, safety or welfare of the public. The director of community development must approve any such fence prior to installation. The fence shall be a wrought iron fence, and shall allow clear visibility of all portions of the lot, unless written permission is obtained to the contrary from the director of community development. An alternate type of fence material may be allowed if the condition of the property and surrounding developments warrant such a change. The fence shall not exceed a height limit of six feet and may not be placed within the required front or street setback areas.
 - e. Vacant unimproved lots existing at the time of this code amendment shall be brought into compliance with the code within one hundred and eighty days of the effective date of the ordinance codified in this section. A reasonable extension of time may be granted by the director of community development in those situations where the director, in his or her sole discretion, determines that a good faith effort is being made by the property owner to comply with this section.
3. Lots Improved With Vacant Structures. Lots improved with structures that become vacant shall be maintained as follows:
- a. All existing landscaping shall be maintained in good condition at all times, including parkways.
 - b. All structures shall be maintained in good condition at all times in accordance with requirements of Section **18.74.040**.

- c. The director of community development, in his or her discretion, after a structure has become vacant for thirty days, may require that any lot covered by this section be secured with a fence, to preclude illegal dumping on the property, or to otherwise protect the health, safety or welfare of the public. The director of community development must approve any such fence prior to installation. The fence shall be a wrought iron fence, and shall allow clear visibility of all portions of the lot, unless written permission is obtained to the contrary from the director of community development. An alternate type of fence material may be allowed if the condition of the property and surrounding developments warrant such a change. The fence shall not exceed a height limit of six feet and may not be placed within the required front or street setback areas.
 - d. Vacant lots improved with structures at the time of this code amendment shall be brought into conformance within sixty days of the effective date of the ordinance codified in this section. A reasonable extension of time may be granted by the director of community development in those situations where the director, in his or her sole discretion, determines that a good faith effort is being made by the property owner to comply with this section.
4. Noncompliance. Failure to comply with the requirements of subsection **E**, Vacant Lots, shall constitute a nuisance in accordance with Section **18.74.040(A)(6)**, and may be abated as permitted in this chapter.

(Ord. 1719 § 1, 2010; Ord. 1727 § 3, 2011)

§ 18.74.050. Unlawful property nuisances.

It is unlawful for any person owning, leasing, occupying or having charge or possession of any property in the city to maintain such property in such manner that any of the conditions set forth in Section **18.74.040** shall exist. The procedures for abatement set forth in this chapter shall not be the exclusive means by which such conditions may be abated and shall not in any manner limit or restrict the city from enforcing other city ordinances or provisions of the municipal code or from abating public nuisances in any other manner provided by law.

(Ord. 1719 § 1, 2010)

§ 18.74.060. Owners' responsibility for property maintenance.

- A. Every owner of real property within the city, whether commercial, industrial or residential, is required to maintain such property in a manner so as not to violate the provisions of this code and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.
- B. Every occupant, lessee, or holder of any interest in property other than as owner thereof is required to maintain such property in a manner consistent with the standards described in Section **18.76.040**. California **Civil Code** Section 1941 requires the lessor of a building intended for human occupancy to maintain the building in a condition which is fit for such occupation and to repair all dilapidation which render it untenable. Accordingly, this section is intended to and shall be interpreted in a manner which is consistent with California **Civil Code** Section 1941 and any amendments thereto.
- C. An occupant of property who is not the legal owner shall not be liable for any nuisance (as defined by Section **18.74.030**) which the occupant did not create, and which the occupant did not knowingly maintain or permit to continue.

(Ord. 1719 § 1, 2010)

§ 18.74.070. Finding of nuisance.

- A. When the conditions which are found to constitute a nuisance are determined not to pose an immediate threat to the public peace, health, safety or welfare, a correction notice shall be personally served, delivered by mail or certified mail to each (one) of the following:
 - 1. The owner of record of the premises on which the nuisance is maintained as shown on the most recent county assessor's parcel roll; and
 - 2. The person, or persons, if any, occupying or in real or apparent charge and control of the premises involved.
- B. Such notice shall describe in detail the conditions or activities which render the building, structure, premises or portion thereof a public nuisance, set forth a reasonable date and time by which the violation(s) shall be abated, and may contain a brief concise statement of the proposed methods of abatement.
- C. An extension of time in which to correct the violations may be given based upon a showing of extenuating circumstances; however, in no event shall the extension exceed thirty days without written authorization of the planning commission.

(Ord. 1719 § 1, 2010)

§ 18.74.080. Abatement options.

- A. If the manager finds that any premises or any portion thereof continues to constitute a public nuisance after the owner/occupant has failed to voluntarily correct those certain enumerated conditions as written in the correction notice, he or she may direct the city attorney or an authorized legal representative to seek judicial relief from a court of competent jurisdiction in order to abate the nuisance. Nothing in this chapter shall ever be construed to prevent the city from commencing an action at law or in equity for abatement thereof in the manner provided by law in addition to, or in conjunction with, the proceedings set forth in this chapter, nor shall anything in this chapter ever be deemed to prevent the city from commencing a criminal action with respect to the nuisance in addition to, alternatively to, or in conjunction with, the proceedings set forth in this chapter; or
- B. If the manager finds that any premises or any portion thereof continues to constitute a public nuisance after the owner/occupant has failed to voluntarily correct those certain enumerated conditions as written in the correction notice, he or she may direct an officer of the city to initiate abatement proceedings, without judicial procedure, pursuant to the due process provisions contained herein, at the expense of the person(s) creating, causing, committing, or maintaining the nuisance.

(Ord. 1719 § 1, 2010)

§ 18.74.090. Initiation of abatement proceedings.

The designated officer shall prepare or cause to be prepared a "Notice to Abate Nuisance," stating in detail the conditions or activities which render the building, structure, premises or portion thereof a public nuisance. The notice of such public hearing shall:

- A. Describe the premises involved by setting forth the street address, if applicable, or if a street address is not known or applicable, the notice shall set forth the location of the nuisance, and a description sufficient for general identification of the building, structure, premises or portion thereof. The location of the nuisance shall be identified utilizing the assessor's parcel number and a legal description of the real property; and
- B. Contain a brief description of the materials, activities and conditions constituting the nuisance; and
- C. Contain a brief concise statement of the proposed methods of abatement.

(Ord. 1719 § 1, 2010)

§ 18.74.100. Notice to abate nuisance—Persons to be served.

- A. The officer shall cause the notice to abate to be served upon each of the following:
1. The owner or agent of record of the premises on which the nuisance is maintained as shown on the most recent equalized tax assessment rolls; and
 2. The person, if any, occupying, in possession of or in real or apparent charge and control of the premises involved.
- B. “Owner” as used in this section also means any person, mortgagee or beneficiary having or claiming to have any legal or equitable interest in said premises when known by the city to have an ownership or leasehold interest in the premises, as disclosed by a current title search from any accredited title company.
- C. The notice may be served personally upon, or may be sent by mail or may be sent by prepaid certified U.S. mail to the occupant and the owner or agent of such premises. Service by mail shall be deemed completed upon deposit of the mail in a U.S. mailbox. The notice shall also be posted on the premises in a conspicuous manner at the same time at least ten days before the time fixed for abatement. The failure of any person to receive such notice shall not affect the validity of the proceedings hereunder.
- D. In addition to the notice required by this section, the planning director may, in his or her discretion, give notice of the abatement in any manner to any real property owners adjacent from the site of the alleged nuisance or to the affected property owner.

(Ord. 1719 § 1, 2010)

§ 18.74.110. Effect of failure to abate.

- A. Notwithstanding the provisions of subsection **A** of Section **18.74.080**, if the nuisance is not abated within the period given in the notice to abate, the manager may proceed with summary abatement pursuant to subsection **B** of Section **18.74.080**. When he or she orders summary abatement, the designated officer shall give a second notice in the same manner as set forth in Section **18.74.100**.
- B. The second notice shall inform the persons that the city will commence summary nuisance abatement proceedings at the expense of the person(s) creating, causing, committing, or maintaining the nuisance and that the cost of abating the nuisance upon each lot or parcel of land shall constitute a special assessment against each such lot or parcel of land and shall also become the personal obligation of the owner of each such lot or parcel of land. This notice shall also inform the persons that they may appear before the commission or such other person as the manager specifies in the notice, at a stated time and place and show cause why the nuisance should not be summarily abated, provided the following appeal procedures are followed. When a person files an appeal, the order of abatement shall be suspended pending the review of the determination.
- C. Failure of any person to file an appeal in accordance with the provisions of Section **18.74.120** shall constitute a waiver of the right to an administrative hearing.

(Ord. 1719 § 1, 2010)

§ 18.74.120. Appeal procedures.

- A. Upon receipt of the second notice, any person entitled to service under subsection **A** or **B** of Section **18.74.080** may appeal from the notice and order of the designated officer under this chapter by filing with the planning secretary a written appeal containing at a minimum:
1. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order;

2. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
 3. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
 4. The signatures of all parties named as appellants and their official mailing addresses;
 5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- B. The request for appeal shall be filed within thirty days from the date of service of such order or action of the designated officer; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with the Uniform Code for the Abatement of Dangerous Buildings (as adopted pursuant to Section **15.08.010** of this code), such appeal shall be filed within ten days from the date of the service of the notice and order of either the designated officer or a building official.
- C. Only those matters or issues specifically raised by the appellant shall be considered in the hearing appeal.
- D. Upon receipt of any appeal filed pursuant to this section, the planning secretary shall present it at the next regular meeting of the planning commission.
- E. As soon as practicable after receiving the written appeal, the planning secretary shall fix a date, time and place for the hearing of the appeal by the commission. Such date shall not be less than ten days nor more than sixty days from the date the appeal was filed with the planning secretary.
- F. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the secretary of the commission either by causing a copy of such notice to be delivered to the appellant personally or by mailing first class, or by certified, a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.
- G. A written notification of the commission's decision will be given to the appellant either personally after the hearing, or by first class mail delivered to the appellant within ten days following the hearing.
- (Ord. 1719 § 1, 2010)

§ 18.74.130. Form of notice of public hearing.

The second notice given shall be provided in substantially the following format:

Notice of Hearing on Abatement of Public Nuisance

1. A hearing will be held at _____ on _____ at City Hall, _____, La Habra, before _____ to receive testimony from any person having any interest in the property described below, and to show cause, if any they have, why certain unsafe, dangerous, hazardous or obnoxious materials and/or conditions existing on the premises/property at _____ shall not be declared a public nuisance.
2. The materials and/or conditions found to constitute the public nuisance are as follows:
_____.
3. The public hearing may be avoided if the following corrections are made at least two days before the date set for the hearing: _____.
4. If it is determined by the _____ that the premises/property herein described is currently being maintained in such manner as to constitute a public nuisance as defined by Section 18.77.030, said nuisance may be abated by the removal or repair of said unsafe, dangerous, hazardous or obnoxious materials and/or conditions.

Notice of Hearing on Abatement of Public Nuisance

5. If the owner of record has not completed the corrective action, the materials and/or conditions found to constitute the public nuisances will be removed and repaired and the nuisances will be abated by the municipal authorities of the City of La Habra, in which case the cost of such removal or repair shall be assessed upon the lot(s) and land upon which said unsafe, dangerous, hazardous or obnoxious materials and/or conditions exist, and such cost will constitute a lien upon such lot(s) or land until paid.

(Ord. 1719 § 1, 2010)

§ 18.74.140. Service of notice of public hearing—Proof.

When personally delivered, proof of service of the notice and posting thereof shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which such notice was given and posted. He shall file such declaration in the planning office and therewith any receipt card which may have been returned to him in acknowledgment of the receipt of such notice by certified mail, or any return by first class regular mail.

(Ord. 1719 § 1, 2010)

§ 18.74.150. Conduct of hearing—Content of testimony.

At the time stated in the notice, the commission or designated officer shall hear and consider all relevant testimony or evidence offered by the director, manager, or other officials or employees of the city or other qualified witnesses, including but not limited to the owner of record or his/her authorized representatives, a responsible person in charge or control of the affected premises, a mortgagee or beneficiary under any trust deed, lessee, or any other person having any estate or interest in such premises. The commission or designated officer is authorized to grant reasonable extensions, not to exceed thirty days, on the time period for the hearing based upon a proper showing of extenuating circumstances made before the date stated in the notice.

(Ord. 1719 § 1, 2010)

§ 18.74.160. Conduct of hearing—Procedure.

- A. The hearing shall be conducted informally, and the technical rules of evidence shall not apply, notwithstanding the fact that the rights to confrontation, opportunity to be heard, cross-examination and the opportunity to rebut ex parte evidence are presumed to exist. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions except that unduly repetitious evidence shall be excluded.
- B. During the course of the hearing, the commission or designated officer may visit and inspect any premises involved in the proceedings and may therewith receive oral testimony of any sworn or unsworn witnesses.

(Ord. 1719 § 1, 2010)

§ 18.74.170. Conduct of hearing—Decision.

- A. Upon conclusion of the hearing, the commission or designated officer shall consider the evidence presented and shall make written findings of fact, based upon the evidence, to support the decision and by such same findings shall make a determination and conclusion with respect to the alleged public nuisance. If a determination is made that a public nuisance exists, the commission or designated officer shall declare such premises to be a public nuisance and order the abatement of

the same by the property owner within a specified time not to exceed thirty days. The order shall set forth a statement of the particulars which render the premises a public nuisance. Such decision shall contain a detailed and precise list of needed correction or abatement methods and a statement that the occupant, lessee or another person in possession or charge or any mortgagee, beneficiary under any deed of trust, or other person having an interest or estate in such premises, may at his/her own risk, abate the nuisance. The commission or designated officer is authorized to grant reasonable extensions, not to exceed thirty days, on the time period for abatement based upon a proper showing of extenuating circumstances made before the date of the order of abatement.

- B. Failure of the owner or other persons having any interest in the affected premises to appear at or be represented at the hearing shall in no way affect the validity or the prescribed conduct of the hearing. A copy of the order of abatement shall be posted upon the premises involved and shall be served upon the owner of record in the same manner as the notice to abate pursuant to Section **18.74.100**. The city clerk shall immediately, after passage of said order, cause to be filed in the office of the county recorder of Orange County a certified copy of said order of abatement.
- C. The decision of the commission or designated officer shall be considered the final and conclusive action in the matter.
- D. The city council reserves the right upon its own motion to conduct a de novo review of any determination of the commission or designated officer. When the council passes such a motion, the order of abatement shall be suspended pending the review of the determination.

(Ord. 1719 § 1, 2010)

§ 18.74.180. Immediate hazards.

Any activity or condition which poses a serious threat to the public's health or safety shall be determined and declared by the city manager, police chief or fire chief to be an immediate hazard which would, if not immediately suppressed, seriously endanger public health or safety. In such event, the city manager, police chief or fire chief may take immediate action to abate the hazard, without notice to the owner, lessee, person having custody or charge of the premises involved, or any other interested person, and without the necessity of a hearing thereon by the planning commission. However, such immediate action shall be limited to such action as is reasonably necessary to eliminate the immediate hazard. Any further action to abate a nuisance which does not pose an immediate serious threat to public health and safety shall be taken only in accordance with the procedures set forth in this chapter.

(Ord. 1719 § 1, 2010)

§ 18.74.190. Costs—Report.

The director, city manager or any private contractor authorized to abate the nuisance, shall keep an account of the cost (including incidental expenses) of abating any nuisance or immediate hazard on each separate lot or parcel of land where the work has been done, and upon completion of the abatement, shall cause to be prepared and filed with the city clerk an itemized report specifying the following:

- A. The work performed; and
- B. The cost of the work by rehabilitation, demolition, or repair of the property, buildings or structure, including any salvage value relating thereto and incidental expenses; and
- C. A description of the real property, pursuant to the provisions of this chapter, upon which the nuisance or immediate hazard was located; and
- D. The names and addresses of the persons entitled to notice pursuant to the provisions of this chapter; and

- E. The assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include work performed on any number of parcels of property, whether or not contiguous to each other. The term “incidental expenses” includes, but is not limited to, the expenses and costs of the city in the preparation of notices, specifications and contracts, inspection of the work, reports of title search and the costs of printing, mailing and serving papers required under this chapter.

(Ord. 1719 § 1, 2010)

§ 18.74.200. Costs—Notice of hearing.

Upon filing of the report by the director, or city manager with the city clerk, the city clerk shall transmit it to the city council and the city council shall fix the day, hour and place when it will hear and pass upon the report, together with any objections or protests which may be raised by any property owner liable to be assessed for the cost of such abatement, and any other interested persons. At least ten days before the date set for hearing, the city clerk shall cause copies of the report and a notice of the filing of the report, containing a description of the property sufficient to enable the persons served to identify it and specifying the day, hour and place when the city council will hear and pass upon the report, and any objections or protests thereto, to be posted and served in the manner and upon the persons set forth in Sections **18.74.100** and **18.74.120**. Proof of posting shall be made by affidavit of the city clerk or assistant city clerk. A copy of the notice shall be published once at least ten days prior to the date set for the hearing in a daily newspaper published and circulated within the city.

(Ord. 1719 § 1, 2010)

§ 18.74.210. Costs—Hearing.

Any person interested in and affected by the proposed assessment may file written protests or objections with the city clerk at any time prior to the hour and date set for the hearing on the report. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. Upon the day and hour fixed for the hearing, the city council shall hear and pass upon the report, together with any objections or protests which may be raised by any property owner liable to be assessed for the cost of abatement, and other interested persons. The city council may make such correction, revision or modification in the report as it may deem just, and when the city council is satisfied with the correctness of the assessment, the report as submitted, or as revised, corrected or modified, together with the assessment, shall be confirmed by resolution. Prior to recordation of the lien, notice shall be given to the owner of record of the parcel of land on which the nuisance is maintained, based upon the last equalized assessment roll or the supplemental roll, whichever is the most current. If the owner of record, after diligent search, cannot be found, the notice may be served by publication thereof in a newspaper of general circulation published in Orange County pursuant to Section 6062 of the Government Code. The decision of the city council on the report and the assessment and on all protests or objections shall be final and conclusive. The city council may adjourn the hearing from time to time.

(Ord. 1719 § 1, 2010)

§ 18.74.220. Special assessments.

The amount of the cost of abating the nuisance or the immediate hazard upon each lot or parcel of land, including incidental expenses, as confirmed by the city council, constitutes a special assessment against each such lot or parcel of land, and as thus made and confirmed shall also become the personal obligation of the owner of each such lot or parcel of land. Such confirmed cost shall thereafter bear interest at the legal rate of interest until paid. Such confirmed special assessment, after notice and recordation, shall also constitute a special lien against such property for the amount of such assessment until paid.

(Ord. 1719 § 1, 2010)

§ 18.74.230. Notice of lien.

Upon confirmation of the assessment, the city clerk shall cause to be filed in the office of the county recorder, Orange County, California, a notice of lien in substantially the following form:

Notice of Nuisance Abatement Lien Claim of the City of La Habra

Pursuant to the authority contained in Chapter _____ of the La Habra Municipal Code, the City Council of the City of La Habra did the following: 1) Issued an abatement order on the _____ day of _____, 20__; 2) Caused a nuisance to be abated on the real property hereinafter ascribed on the ___ day of _____, 20__; and 3) Assessed the cost of such abatement upon said real property hereinafter described by adopting Resolution No. __ on the ___ day of _____, 20__. Of said costs, there remains unpaid to the City of La Habra the sum of _____ Dollars (\$ _____), and therefore the City of La Habra does hereby claim a special lien upon said real property in the amount of \$ _____ together with interest calculated thereon at the legal rate of interest from the ___ day of _____, 20__. Until said amount has been paid in full and this lien discharged of record.

The real property hereinabove mentioned and upon which a lien is hereby claimed is that certain parcel or parcels of real property situated in the City of La Habra, Orange County, California, and more particularly described as follows:

(Street Address)

(Legal Description)

(Assessor's Parcel Number)

The name and address of the record owner of the parcel on which the lien is imposed is as follows:

(Owner's Name)

(Owner's Address)

Dated this _____ day of _____, 20_____, at City of La Habra, California.

By: _____

City Manager

Attest:

City Clerk

(Notarial Acknowledgement)

(Ord. 1719 § 1, 2010)

§ 18.74.240. Collection of costs of abating the nuisance.

The cost of abating a nuisance and related administrative expenses, including but not limited to any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien, may be collected by either of the following means:

- A. After the confirmation and recordation of such report of costs and assessment, a certified copy of such confirmed special assessment, which remains unpaid, shall be filed with the assessor and tax collector of Orange County acting for the city in order that such officials may enter the amount of

the assessment on the appropriate assessment book opposite the description of the particular parcels of land and respective lots. Thereafter such assessment shall be collected at the same time in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and interest, and the same procedure under foreclosure and sale in case of delinquency, as provided by law for ordinary municipal taxes. All laws and ordinances applicable to the levy, collection and enforcement of municipal taxes are made applicable to such special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

- B. After the confirmation of such report of costs and assessment, a certified copy of the cost of abatement and related administrative expenses shall be recorded in the grantor/grantee index of the county recorder's office of Orange County, which shall have the force, effect and priority of a judgment lien. This method of collection is only available when service was effectuated in accordance with Section **18.76.100** of this chapter. The lien may also be foreclosed by a judicial or other sale in the manner and means provided in **Government Code** Section 38773.1 or otherwise provided for by law.
- C. Instead of making the cost of abating a nuisance a lien upon the real property, the city may make the cost the personal obligation of the property owner, tenant or other person creating, causing, committing or maintaining the nuisance. In such a case, all of the procedures of this chapter shall apply except those specifically related to the assessment of the property.

(Ord. 1719 § 1, 2010)

§ 18.74.250. Discharge, release or satisfaction of lien.

In the event that the lien is discharged, released or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in Section 18.76.220 shall be recorded by the city clerk. The nuisance abatement lien and the release of the lien shall be indexed in the grantor/grantee index.

(Ord. 1719 § 1, 2010)

§ 18.74.260. Second or subsequent civil or criminal judgment.

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated, except for conditions abated pursuant to Section 17980 of the **Health and Safety Code**, the court may order the owner to pay treble the costs of the abatement.

(Ord. 1719 § 1, 2010)

§ 18.74.270. Unlawful interference.

It is unlawful for any person to obstruct, impede or interfere with any officer, agent or employee of the city or with any person who owns or holds any estate or interest in any premises, or any portion thereof, upon which there is a nuisance which has been ordered to be abated, or with any person to whom such premises have been lawfully sold pursuant to the provisions of this chapter, when any such officer, agency employee, purchaser or person having an interest or estate in such premises is engaged in abating a nuisance or immediate hazard thereon, or in performing any necessary act preliminary to or incidental to such work, or authorized or directed pursuant thereto.

(Ord. 1719 § 1, 2010)

§ 18.74.280. Removal of tax benefit.

If, after declaration of a public nuisance, the manager or his/her designee finds the subject property to contain substandard housing and this housing is generating revenue income, he/she may, within the time period and in the manner specified, pursuant to Section 24436.5 of the **Revenue and Taxation Code**, file a notice of noncompliance with the taxpayer and later with the State Franchise Tax Board in an effort to eliminate tax deductions.

(Ord. 1719 § 1, 2010)

§ 18.74.290. Code enforcement fees.

- A. There is imposed upon each person who receives a notice of violation, notice of correction, notice and order, demand letter, or letter of correction of any provision or ordinance codified in this code, adopted building codes, or state law, a reinspection fee, in such amounts as set forth from time to time by resolution of the city council, which may be addressed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner as directed by, and within the time and manner specified in the notice or letter.
- B. The fee shall not apply to the original inspection to document the violations and shall not apply to the first or second scheduled compliance inspection made after the issuance of a notice or letter, whether or not the correction has been made. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the law for less than six months, then the violation shall be deemed a continuation of the original case and all inspections or reinspection including the first inspection for the repeated offense shall be charged a reinspection fee.
- C. This fee is intended to compensate for administrative costs for unnecessary inspections, and not for enforcement of the law. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of the law, or costs incurred by the city for the abatement of a public nuisance. As used herein the term “administrative costs” is intended to include staff time involved in conducting inspections.

(Ord. 1719 § 1, 2010)

§ 18.74.300. Violation—Penalty.

Any violation of the provisions of this chapter shall be deemed to be an infraction, and punishable as such, notwithstanding the fact that at the discretion of the city attorney or the district attorney, the violation of any section of this chapter may be filed as a misdemeanor. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction. Each day a violation of any provision of this chapter shall continue it shall be a new and separate violation.

(Ord. 1719 § 1, 2010)



SPECIAL EVENT PERMIT

Revised 7/6/23

Temporary outdoor promotional events conducted as part of an existing business or in conjunction with a non-profit organization are permitted within the City of La Habra upon the granting of a Special Event Permit. Temporary outdoor sales do not include seasonal commercial sales such as Pumpkin Patches and Christmas Tree Lots which are governed by Section 5.04.610 of the La Habra Municipal Code.

Classification of temporary outdoor promotional events:

Small Events- consist of a promotional outdoor sale or event directly related to the operation of the business that are 4 days or less in duration and do not utilize more than 25% of the available on-site parking area. Application for this type of event must be submitted no later than 30 days prior to the date of the event. **There is a nonrefundable processing fee of \$30.00 (Account 113000-4409).** The application may be approved by city staff subject to implementation of certain conditions. The specific submittal requirements are detailed on page two.

Large Events- consist of a promotional outdoor sale or event directly related to the operation of the business that are more than 5 days in duration, may utilize an inflatable larger than 200 square feet in size or temporarily removes more than 25% of the available on-site parking. Application for this type of event must be submitted 90 days prior to the date of the event. **There is a nonrefundable processing fee of \$500.00.** Large events are reviewed through a public hearing and must be approved by the Planning Commission subject to the implementation of certain conditions. The specific submittal requirements are detailed on in a separate attachment identified as "Planning Divisions General Information Packet."

Restrictions:

No property may have more than four (4) Special events per calendar year with a minimum of thirty (30) days between each event.

Based on the structures (tent, stage, etc) to be brought onto the property for the event, a temporary building permit may be required. Please contact the Chief Building Official for any special requirements prior to the submittal for a Special Event Permit. The Chief Building Official may be reached at (562) 383-4116.

Should you wish to advertise the event a temporary banner/sign permit is required. Advertising the special event may be permitted subject to the issuance of a banner permit. The temporary banner/sign can be a collective square footage not to exceed 32 square feet or an inflatable not to exceed 200 square feet with proper inspection. The cost for a banner permit is \$28.00. No human signs are permitted at any time.

Regardless of the type of event, submittal of a special event permit application does not automatically assure approval of the event. The application must be fully processed and approved by the City of La Habra before you can initiate the event. You will be notified when your application has been approved or denied. Should you have any questions, you may contact the Planning Division at (562) 383-4100.

SUBMITTAL REQUIREMENTS:

An application submitted for staff review shall include all of the items checked marked below before being accepted for processing. The Planning Department will not accept incomplete application submittals.

- _____ A. Submit application and attachments no less than 45 calendar days for small events or 90 calendar days for large events prior to date of the proposed event.
- _____ B. A site plan showing the location of all existing structures, the location of the special event/activities and all special equipment to be brought onto the site. This includes the location of any bleachers, tents, signs, generators, and restroom facilities. A circulation/parking and traffic control plan shall also be submitted with the site plan.
- _____ C. For all tents/canopies with an area of 120 square feet or more or an occupant load of 10 or more, a temporary building permit is required. In order to obtain that permit, the following is required to be submitted to the Chief Building Official:
 - a. **A site plan showing the proposed location of the tent/canopy layout in relation to any other buildings or structures on the site in question and the distance from the tent to all property lines. Please note (2007 CBC 3104E).**
 - b. **All heating and cooking equipment must be installed in accordance with the California Mechanical Code and noted as such on the site plan.**
 - c. **A tent floor plan that shows all tables, seating, exit aisles, and a clear, accessible path of exit travel to a public way.**
 - d. **Provide valuation of the installation, rental and removal of the tent or tents.**

Upon approved of a temporary building permit by the Chief Building Official, the temporary building permit fee is to be paid. A building inspection will be conducted upon the installation and removal of the tent.

- _____ D. If the special event involves other properties, consent from all the involved property owners must be submitted. Any approvals/signatures obtained from other tenants/owners must be provided.
- _____ E. If the event includes food distribution or service, a Health Department permit or a release from the Health Department has to be obtained.
- _____ F. A Certificate of Fire Retardation for all canopies/tents.
- _____ G. Indemnification Agreement, Compliance with City Insurance requirements and Property Owner Permission shall be obtained prior to the approval of any Special Event request.

Planning Division

110 East La Habra Blvd.
La Habra, CA 90633-0337
Phone: (562) 383-4100
Fax: (562) 383-4476



SPECIAL EVENT PERMIT

Application Date: _____

Applicant's Name: _____

Mailing Address: _____

Telephone Number: _____ Cell Number: _____

Contact Person: _____ Phone Number: _____

Email: _____ Fax: _____

Event Address: _____

Type of Event: _____

Type of Structures used: _____

Dates of Event – From: _____ To: _____

Time of Event – From: _____ To: _____

PROPERTY OWNER AUTHORIZATION: I am the owner of record, or his/her authorized representative of the property (Provide letter of authorization) which is the subject of this application. I approve of the action requested above.

Property owner of record: _____

Print Name: _____ Print Title: _____

Signature: _____ Date: _____

Firm Name: _____ Phone: _____

Street Address: _____ City: _____

Zip Code: _____

1. Type of event: _____

2. Describe planned activities: _____

3. Please provide the following:
Estimated number of persons at the event: _____
Estimated number of vehicles at the event: _____
Estimated number of parking spaces needed: _____
4. Route or location of event: _____

5. Will food be served or sold at the event?
YES _____ NO _____ If YES, describe: _____

6. Have you obtained a permit for the sale of food?
YES _____ NO _____ If yes, what governmental agencies issued permits?

7. Will alcoholic beverages be served or sold at the event?
YES _____ NO _____ If YES, describe: _____

8. Have you obtained a permit for the sale of alcoholic beverages?
YES _____ NO _____ If yes, what governmental agencies issued permits?

9. Will any animals be displayed/exhibited at the event? YES _____ NO _____
If YES, describe: _____

10. Will any structures (i.e., tents, booths, stages) be erected at the event?
YES _____ NO _____ If YES, describe: _____

11. Will there be any sound amplification equipment at the event?
YES _____ NO _____ If YES, describe: _____

12. Will cooking or heating equipment be used in any tents or other temporary structures involved in the event?
YES _____ NO _____ If YES, describe: _____

13. Will there be any portable generators or temporary lighting at the event?
YES _____ NO _____ If YES, describe: _____

14. Will there be temporary sanitation facilities at the event?
YES _____ NO _____ If YES, describe number and location: _____

15. Will there be monitors or security personnel at the event?
YES _____ NO _____ If YES, describe number and duties: _____

16. Will there be any merchandise sales at your event? Have you notified the State Board of Equalization?
YES _____ NO _____ If YES, please provide the date of notification: _____
17. Have you obtained a City Business License? YES _____ NO _____

I declare upon penalty of perjury that the above information is true and correct to the best of my knowledge. I further understand that knowingly providing any false information is cause for the immediate denial of a special event permit or its suspension if one has been issued.

Signature of Applicant

Date Signed



TEMPORARY OUTDOOR USE PERMIT INDEMNIFICATION AGREEMENT

In consideration of being granted a Special Event Permit, and to the full extent permitted by law, the undersigned _____ on behalf of _____, hereby agrees to defend, indemnify, and hold free and harmless the City of La Habra, its elected officials, officers, employees, agents, and volunteers, with respect to any and all liabilities, claims, suits, actions, losses, expenses or costs of any kind, whether actual, alleged or threatened, including the payment of actual attorney's fees, court costs and any and all other costs of defense, incurred as a consequence of, arising out of, or in any way attributable to, the granting of a Special Event Permit to:

(Describe the activity and provide the dates)

The undersigned hereby represents that he or she has read and fully understands that by signing this Agreement, important legal rights are being waived and legal obligations are being assumed. If signing as a representative, the undersigned further represents that he or she is fully authorized to enter into this Agreement on behalf of each and every person, group, business and/or organization to which the Special Event Permit is being issued.

Applicant's Signature

Date

Property Owner's Signature

Date



City of La Habra Planning Division
110 East La Habra Blvd., La Habra, CA 90633-0337
Phone: (562) 383-4100 Fax: (562) 383-4476

NOTICE TO ALL APPLICANTS FOR PLANNING

General Information

Regular meetings of the Planning Commission are held on the second and fourth Mondays of each month, beginning at 6:30 p.m. in the City Council Chamber. The Planning Commission is composed of five Commissioners who are appointed by the City Council and serve for four-year terms.

The applicant or the applicant's representative must be present at the meeting to address any questions the Commission or Public may have regarding your proposal. The Planning Commission MAY NOT take any action on any proposal without a representative of the proposed project in attendance.

Planning Commission meetings are open to the public and public comment is welcomed. You will be informed of the date of the hearing of your project at least 10 days before the meeting is held. **A report for your project will be prepared by the Planning Staff and will be available for public review on the Thursday before the Planning Commission Meeting.** A copy of the report can be emailed; faxed, mailed or other arrangements can be made. Following public comments on your case, the Commission will announce their findings and will include an explanation of their action. The decision of the Commission is final for **CONDITIONAL USE PERMITS, DESIGN REVIEW, MASTER PLANS, PRECISE PLANS, TENTATIVE PARCEL AND TRACT MAPS, and ZONE VARIANCES** unless appealed to the City Council within 10 working days after the meeting. **Please be aware that any application for a discretionary permit, such as design review, conditional use permit, tentative map, zone variance, planned unit development, etc., shall become null and void within 6 months after date of the project having been deemed initially incomplete. An extension of 6 months may be approved by the Director of Community and Economic Development upon the submittal of a continuance request fee, as per the fee schedule, to cover the costs of extending the application.**

Other actions such as **GENERAL PLAN AMENDMENTS, PLANNED UNIT DEVELOPMENTS, and ZONE CHANGES** are forwarded to the City Council, with the Commissioners' recommendation, for final approval.

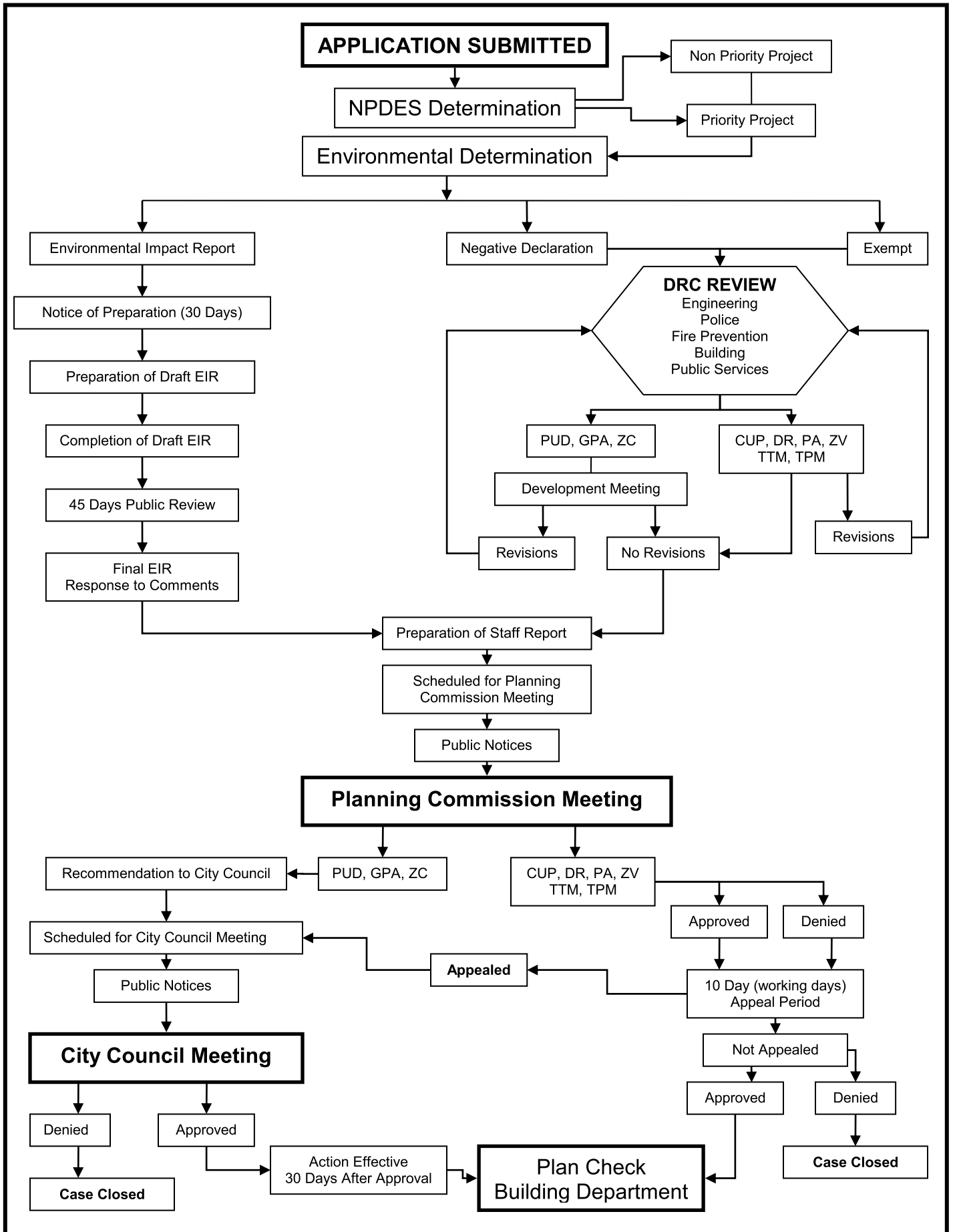
Developments that result in the employment of 250 employees or more are subject to the Transportation Demand Management (TDM) Ordinance, which requires site improvements that encourage alternative means of transportation. Site improvements may either be approved by the Staff or by the Planning Commission in accordance with the TDM Ordinance.

The following are suggested steps in preparing your applications and exhibits:

1. Contact the Planning Department for zoning and related information. Money and time can usually be saved by consulting the City Planning staff at an early point in the formulation of your application.
2. You may wish to submit a preliminary plan to the Planning Department for review prior to official submittal of your application.
3. Professional assistance is recommended in the preparation of your plans. Numerous reputable planners, architects, engineers, and designers are available in the area for professional consultation.



City of La Habra DEVELOPMENT PROCESS





ENVIRONMENTAL DESCRIPTION

City of La Habra Planning Division
 110 East La Habra Blvd., P.O. Box 337, La Habra Ca 90633-0337
 Phone: (562) 383-4100 Fax: (562) 383-4476

ACTION #

Property Owner	Name of Representative
Name _____	Name _____
Address _____	Address _____
Phone: Home () _____	Phone () _____
Work () _____	Fax: () _____
Fax () _____	E-mail _____
E-mail _____	

A. Project Location

1. Please attach: a) Plot Plan, b) Map showing location, c) [optional] any Photographs which will assist in determining the significance of any impact.
2. Address _____
3. Nearest street intersections _____

B. Project Description

1. Projected land area (square feet or acres) _____
2. Proposed Use _____
3. Relationship to surrounding area: _____

	Existing Area	Existing Zoning
Area to the north		
Area to the south		
Area to the east		
Area to the west		

4. Is the subject site located within 1,000 feet of any School, Hospital or Extended Care Facility?

Yes No Name of Facility _____

5. What is the trip generation of the project? _____

6. Is the Project located within 1,000 feet of an adjacent City? _____ What City? _____

7. Will the project be developed in phases? Yes No
- a) Explain timing: _____

b) Timing for public improvements: _____

8. For Residential developments:

- a. Type of unit [single family, condo, apt, etc.] _____
- b. Number of units _____
- c. Size of units _____
- d. Anticipated selling price or rental rate _____

9. For new commercial or industrial developments:
- a. Describe type or types of commercial or industrial activities proposed
 - b. Size of building(s) _____
 - c. What is the anticipated number of jobs to be generated by the project after completion?

 - d. Number of off-street parking spaces _____
 - e. Where is the closest comparable project in terms of size or type of activity?

 - f. What type of equipment will be utilized for the business?

 - g. Describe truck traffic as a result of the proposal:
 - a. During construction? _____
 - b. After occupancy? _____

- | 10. During construction or operation will the project: | YES | NO |
|---|--------------------------|--------------------------|
| a. Emit dust, ash, smoke, fumes or odors? | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Alter any existing drainage patterns? | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Create substantial demand for energy or water? | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Discharge water of poor quality? | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Increase noise levels on site or adjoining areas? | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Generate abnormally large amounts of solid waste or litter? | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Store, use or dispose of potentially hazardous materials such as toxic substances, flammables or explosives? | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Require abnormally high demands of such services as police, fire, sewer, schools, water, etc. | <input type="checkbox"/> | <input type="checkbox"/> |

- | | | |
|--|--------------------------|--------------------------|
| 11. After construction will you or any future occupant of this facility: | | |
| a. Use any internal combustion engines greater than 50 horsepower? | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Mix, blend, or process any solvents, adhesives, or coatings? | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Create any dust or smoke? | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Refine any liquids or solids, or reclaim any metals? | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Plate or coat anything? | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Handle or store solvents or motor fuels? | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Use any combustion equipment (i.e. furnaces, broilers, baking ovens, etc.) rated greater than 2,000,000 BTU/HR? | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Store any acids, use any chemical processes, or use solvents for clean up? | <input type="checkbox"/> | <input type="checkbox"/> |

12. All Development (New Construction/No construction)
- a. Amount of solid waste to be produced during construction? _____
 - b. Type of solid waste to be produced during construction? _____
 - c. Total amount of solid waste to be recycled during the construction stage? _____
 - d. Amount of solid waste to be produced during normal business operation? _____
 - e. Type of solid waste to be produced during normal business operation? _____
 - f. Total amount of solid waste to be recycled as part of the normal business operation? _____

CERTIFICATION

I certify that the information provided herein is true and correct to the best of my knowledge.

Date _____ Signature _____ Representing _____



City of La Habra Planning Division
110 East La Habra Blvd., La Habra, CA 90633-0337
Phone: (562) 383-4100 Fax: (562) 383-4476

APPLICATION CONTENTS CHECKLIST

An application submittal for Planning Commission or City Council action shall include all of the items check marked below before being accepted for processing. The Planning Division **WILL NOT** accept incomplete application submittals.

- A. APPLICATION FORM: (must be signed by the property owner of record and notarized).
- B. PLANS: The applicant must submit **three (3) folded sets** and **one (1) digital copy** of the site, floor and elevation plans. The plans shall be drawn to a standard architectural or engineering scale [i.e. (1/4" = 1') (1/8" = 1') (1" = 20') etc.] and shall indicate clearly with full dimensions the following information:
 - 1. Location and design of all off street parking and circulation areas.
 - 2. Location of the points of ingress and egress for pedestrians and vehicles.
 - 3. Location and nature of reflective devices (lighting).
 - 4. Location of landscape areas.
 - 5. Location and design of all trash storage areas and related screen walls.
 - 6. Location of all public utilities installations including poles, transformers, vaults and meters.
 - 7. Location of all external mechanical equipment.
 - 8. Location, height and materials of all walls and fences.
 - 9. Calculations showing the percentage of land coverage, the parking requirements and the landscape area provided.
 - 10. Relationship of property to public streets and alleys and any required street dedications and improvements.
 - 11. Surface drainage patterns and structures.
 - 12. Exterior finish materials and colors.
 - 13. Roofing materials and pitches.
- C. WQMP: Priority Determination Form and Either a Non-Priority Project Water Quality Plan or Priority Water Quality Plan.
- D. ENVIRONMENTAL ASSESSMENT: (when required)
- E. FEES: All appropriate fees shall accompany the application at the time of submittal.
(See attached Fee Schedule)
- F. SIGN PLAN: (when required) One (1) printed set rendered in color and one (1) digital set of plans showing the design, colors and location of all signs.
- G. LANDSCAPE PLAN: One (1) printed set and one (1) digital set of a conceptual landscape plan which shows all the proposed landscape areas and materials.
- H. OPERATIONAL CHARACTERISTICS: Please provide a complete description of your proposal including: days/hours of operation, number of employees, business name, etc.
- I. PROPERTY OWNER LIST AND RADIUS MAP: (See attached requirements)
- J. MATERIAL BOARD
- K. COLOR BUILDING ELEVATIONS: One (1) printed set and one (1) digital set of all building elevations fully rendered in color.
- L. COLOR PHOTOGRAPHS: One (1) printed set and one (1) digital set of the subject property showing the existing conditions along with any photo simulations (if applicable) of the proposed improvements (8"x10" or 8½" x 11").
- M. TRANSPORTATION DEMAND MANAGEMENT PLAN: (Per requirements of Chapter 18.20)



Community and Economic Development

110 East La Habra Blvd., La Habra, CA 90631-0337
 Phone: (562) 383-4100 Fax: (562) 383-4476

PLANNING FEES

ACCOUNT #113000-4455

Administrative Adjustment.....	\$373.00
Annexation.....	\$13,463.00
Appeals.....	\$2,907.00
CC&R and Association By-Law Review.....	\$1,956.00
CEQA Exemption (see below for account #'s).....	\$443.00
(\$50.00 - 26094-2175) and (\$393.00 - 113000-4455)	
Certificate of Compatibility.....	\$6,532.00
Conditional Use Permit	\$6,532.00
Continuance (Requested by Applicant).....	\$506.00
Continuance (Additional Review)	\$544.00
Condominium Conversion.....	\$6,532.00
Developer Agreement.....	\$186.00/hour*
Design Review	\$6,532.00
Environmental Impact Report	\$25% of contract
General Plan Amendment.....	\$8,011.00
Home Occupation Permit.....	\$290.00
Landscape Plan Check	\$906.00
Lot Line Adjustment	\$6,532.00
Modification (Planning Commission).....	\$4,344.00
Negative Declaration of Environmental Impacts.....	\$25% of contract
Planning Commission Interpretation.....	\$6,532.00
Planned Unit Development.....	\$10,416.00
PC-I Master Plan Review	\$10,416.00
PC-I Precise Plan Review	\$10,416.00
Sidewalk Vending Permit.....	\$217.00
Sign Program review.....	\$803.00
Specific Plan	\$186.00/hour
Specific Plan Amendment.....	\$186.00/hour
Staff Research/Planning Fee	\$186.00/hour
Tentative Parcel Map.....	\$6,532.00
Tentative Tract Map.....	\$6,532.00
Time Extension.....	\$1,332.00
Transportation Demand Management Plan (Planning Commission).....	\$2,403.00
Zone Change	\$8,014.00
Zone Variance	\$6,532.00
Zoning Verification Letter.....	\$186.00/hour
Seasonal Commercial Sales	
Fire Inspection	\$266.00
Clean Up Deposit.....	\$304.00
Commercial Cannabis	
Application Deposit.....	\$30,000.00
Live Scan for Supervisory Staff.....	\$398.00
Live Scan for Line Staff Employees.....	\$227.00
* plus actual legal fees	
ACCOUNT #113000-4409	
Special Event (Small).....	\$30.00
Temporary Sign	\$43.00



City of La Habra Planning Division
110 East La Habra Blvd., La Habra, CA 90633-0337
Phone: (562) 383-4100 Fax: (562) 383-4476

PREPARING THE PUBLIC NOTICE INFORMATION

RADIUS MAP AND PROPERTY OWNERS LIST

The City of La Habra has changed its policy regarding public notification for all applications, which require a Public Hearing. The applicant is now responsible for submitting a Radius Map and Property Owner's List, which must be prepared by a business certified to produce such documentation.

The necessary documentation shall include the following:

- a. A **verified/certified list** of the names and addresses of each property owner within three hundred (300) feet of the exterior boundaries of the property involved. In addition, **two (2) sets of typewritten mailing labels** (self-adhering) containing the assessor's parcel number, the name of the owner and address, which are numbered consecutively and accurately correspond to the numbered properties on the radius map shall be submitted.
- b. A letter size (8-1/2" x 11") **radius map** which identifies the subject property and all properties within a 300-foot radius. All affected properties shall be labeled with their assessor's parcel number.

*All property owner lists/maps shall be prepared using the latest property owner information, as indicated by the most recent City or County Tax Assessment Roll.

QUALIFIED MAP/LIST PREPARERS

The businesses listed below provide property ownership information and radius maps. Please note that this list is for reference only and that Staff does not provide referrals or imply endorsement of any business.

Donna's Radius Maps
684 S. Gentry Lane
Anaheim Hills, CA 92807
(714) 921-2921

Ownership Listing Service
P.O. Box 890684
Temecula, CA 92589-0684
(951) 699-8064

TMG Solutions Inc
6733 Sepulveda Blvd. #265
Los Angeles, CA 90045
(310) 337-7290

Advance Listing Services
P.O. Box 2593
Dana Point, CA 92624
(949) 361-3921

Radius Maps
211 S. State College Blvd. #5
Anaheim, CA 92806
(888) 272-3487

Susan Case Inc
917 Glenneyre St #7
Laguna Beach, CA 92651
(949) 494-6105

Kimberly Wendell
P.O. Box 264
Los Alamitos, CA 90720
(562) 431-9634

T-Square Mapping Services
969 S. Raymond Ave. Flr 2
Pasadena, CA 91105
(626) 403-1803

City Radius Maps
300 E. Bonita #3641
San Dimas, CA 91773
(818) 850-3382

Notice This
301 Forest Ave.
Laguna Beach, CA 92651
(949) 494-9218

NotificationMaps.com
668 N Coast Hwy, #401
Laguna Beach, CA 92651
(866) 752-6266

NPS Associates
396 W. Avenue 44
Los Angeles, CA 90065
(323) 801-6393



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CERTIFIED PROPERTY OWNERS AFFIDAVIT

LIST OF CERTIFIED PROPERTY OWNERS
AFFIDAVIT

I/We _____ do hereby certify that the
(QUALIFIED MAPPING/LISTING SERVICE)
attached list contains the correct names and addresses of all owners of property within
the area described in this petition and for a distance of three hundred feet (300') from the
exterior boundaries of the property, such names and addresses are taken from the latest
available assessment roll of the County.

Map/list Preparer's Signature

Date

Map/list Preparer's Signature

Date

Subscribed and sworn to before me on this _____ day of _____, 20_____

by _____ proved to me on the basis of satisfactory
evidence to be the person(s) who appeared before me.

Signature



Water Quality Management Plan (WQMP)

Priority Determination Form for New Development & Significant Redevelopment

Project Name/Address: _____

Date: _____

Priority Projects require a Water Quality Management Plan for all Private and Public Projects that meet any of the following:

PRIORITY PROJECT	YES
1. New development that creates 10,000 square feet or more of impervious surface (including residential, commercial, industrial, mixed-use and public projects).	<input type="checkbox"/>
2. A development of or addition to an Automotive Repair Shop. *SIC Codes: 5013, 5014, 5541, 7532-7534 and 7536-7539.	<input type="checkbox"/>
3. Restaurant where the land area of development is 5,000 square feet or more including parking areas. *SIC Code 5812.	<input type="checkbox"/>
4. Hillside development of 5,000 square feet or more of impervious surface, which is located on areas with known erosive soil conditions or where natural slope is 25% or more.	<input type="checkbox"/>
5. Impervious surface of 2,500 square feet or more located within, directly adjacent to (within 200 feet), or discharging directly to receiving water within Environmentally Sensitive Areas.	<input type="checkbox"/>
6. Parking lot area of 5,000 square feet or more, and potentially exposed to urban runoff.	<input type="checkbox"/>
7. Streets, roads, highways and freeways of 5,000 square feet or more of paved surface (excluding routine maintenance activities).	<input type="checkbox"/>
8. All significant redevelopment projects, where significant redevelopment is defined as the addition of 5,000 square feet or more of impervious surface on an already developed site. (Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of the facility, or emergency redevelopment activity of the facility required to protect the public health and safety. If the redevelopment results in the addition or replacement of less than 50 percent of the impervious area on-site and the existing development was not subject to WQMP requirement, the numeric sizing criteria (see Section 7.II-2.0 of Model WQMP) only applies to the addition or replacement area, the project WQMP requirements apply to the entire development).	<input type="checkbox"/>
9. Retail gasoline outlets that meet the following criteria: a) 5,000 square feet or more, or b) A projected Average Daily Traffic (ADT) of 100 or more vehicles per day	<input type="checkbox"/>
10. Extending, relocating, or replacing linear drainage and utility lines disturbing 5,000 square feet or more of impervious surface (storm drain projects that alter the original line and grade and/or alter the hydraulic capacity of the storm drain facilities).	<input type="checkbox"/>

Priority Project: Any question answered "YES" (numbers 1-10 above)

Non-Priority Project Plan is required for all private and public projects that do not qualify as a priority project and meet any of the following:

NON - PRIORITY PROJECT	YES
11. Require discretionary action that will include a precise plan of development. Projects excluded from this category must meet one of the following: a) A new or redeveloped (one) single-family detached residence of 3,900 square foot footprint or less; and b) Any project that requires the disturbance of soil of 1,000 square feet or less.	<input type="checkbox"/>
12. Require issuance of a non-residential plumbing permit for pipelines conveying hazardous material (e.g. gasoline).	<input type="checkbox"/>
13. Below ground linear drainage (storm drain lines, sewer lines, water lines) and utility construction that disturb 5,000 square feet or more of impervious surface, where the original line and grade and/or the hydraulic capacity of the facilities are not altered (i.e. maintenance/replacement of existing line).	<input type="checkbox"/>

Non - Priority Project: Any question answered "Yes" (numbers 11-13 above)

DETERMINATION This project is a: Priority Non-Priority Exempt

Applicant Name

Applicant Signature

Date



Water Quality Management Plan (WQMP) Fact Sheet

Priority Determination Form for New Development & Significant Redevelopment

PRIORITY PROJECTS must submit a preliminary WQMP along with the initial project application. An approved WQMP must be submitted along with the project improvement plans, and 3 copies of the approved plan must be received before the City will issue grading and building permits for a project. The Operation and Maintenance (O&M) Plan component of the WQMP must be approved and Recorded with the County Recorder's Office before the City will issue final permits for a project.

Priority Projects require the preparation of a WQMP. The WQMP documents must address:

- Site Design Best Management Practices (BMPs)
- Routine structural and non-structural Source Control BMPs
- Treatment Control BMPs, including consideration of a regional or watershed approach, and
- The mechanism(s) by which long-term operation, inspection and maintenance of all structural BMPs will be provided.
- The mechanism(s) for education and training of applicable groups such as property owners, tenants, occupants, employees, etc.
- Specific information related to LID BMPs is available in the Technical Guidance Document.

http://www.ocwatersheds.com/Documents/OC_TGD_5-19-11.pdf

NON-PRIORITY PROJECT PLAN also requires a WQMP and must incorporate the following in their design submittal:

- Consideration of Site Design BMPs and
- Routine structural and non-structural Source Control BMP's
- The mechanism(s) by which long-term operation, inspection and maintenance of all structural BMPs will be provided

****Non-Priority Projects do not require Treatment Control BMPs like Priority Projects. Non-Priority Projects do not require a Preliminary WQMP like Priority Projects.**

Structural BMPs are those that have physical characteristics and may require maintenance or replacement. For example, trash receptacles, irrigation systems, detention basins, curb inlet stenciling, gravel/sand or grass filters, mechanical filters, posted signs, grassy swales, wetlands, etc. Non-structural BMPs include pollution prevention methods such as education, alternate non-pollutant producing design and/or process methods, and employee training.