

(d) The failure to approve or disapprove a development project application within the time limits set forth in this section shall be deemed an approval of the project.

[*History:* formerly § 5.105; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

[*Reference:* GOV'T CODE §65920 et seq.]

#### **5.01.060 Enforcement; Misdemeanor.**

(a) It shall be the duty of the Police Department of the City, and all officers of said City otherwise charged with the enforcement of the law, to enforce this chapter.

(b) Any Person (as defined in section 1.01.100 of this Code) violating any of the provisions of this chapter, including, but not limited to, the provisions of sections 5.01.010, 5.02.010, 5.03.030, 5.04.010, 5.06.030, and 5.09.040, shall be guilty of a misdemeanor. Such person shall be deemed guilty for each day during any portion of which any violation is committed, continued or permitted and shall be punished as herein provided.

(c) The City Attorney, upon request of the City Council, shall institute any necessary civil proceedings to enforce the provisions of this chapter, and he is hereby authorized, in addition to the remedy herein provided, to institute an action for an injunction to restrain, or to institute any other appropriate action or proceedings to enforce such provisions.

[*History:* formerly § 5.106; ORD. 234, 3/14/79; ORD. 638, 12/14/05, ORD. 643, 4/12/06]

#### **5.01.070 Late Filing Fee.**

(a) If any person shall construct, reconstruct, alter, enlarge, move or maintain any building in the Town of Colma, or use or permit to be used any building or land in the Town of Colma, or split, diminish or maintain any lot area in the Town of Colma, without first obtaining all permit, licenses or other entitlements of use required of such person by this chapter, a late filing fee shall be assessed in connection with each such permit, license or other entitlement of use that should have been obtained.

(b) For each permit, license or other entitlement of use covered by subsection (a) above, the late filing fee shall be \$50.00 for each month or portion thereof from the date of first violation of any of the provisions of this chapter to the date that a completed application for such permit, license or other entitlement of use is received by the Town of Colma.

(c) Payment of the sums specified in this section shall not validate any action in violation of this chapter, and shall not relieve any person from liability under the provisions of section 5.01.060 of this Code.

[*History:* formerly § 5.107; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

#### **5.01.080 Definitions.**

Except where the context otherwise indicates, the following words and phrases shall have respective meanings ascribed thereto whenever such words and phrases are used in this chapter or in any amendments thereto hereinafter enacted:

aisle or street. Parked vehicles shall not be allowed to overhang adjacent landscape or walkway areas, and parking spaces shall not include landscape, walkway areas or parking access aisles in their dimension.

(b) *Compact Car Parking Space* shall refer to a standard off-street parking space specifically designed for compact car parking and measuring no less than seven and one-half (7-1/2) feet wide by sixteen (16) feet long. Compact car parking is subject to City Council approval and may be allowed up to a maximum of thirty percent (30%) of the total required off-street parking in large (over 100,000 square feet) commercial shopping centers only. Compact car spaces shall be located in accordance with such guidelines as may be established from time-to-time by resolution of the City Council.

(c) *Accessible Parking Space* shall refer to an off-street parking space specifically designed for use by disabled individuals. The number and sizes of these parking spaces shall be as required by the provisions of the Colma Building Code. Such spaces shall be located as close to the facility being served as practical."

*Processing costs* shall mean:

(a) the charges for the time spent by all employees, agents, and consultants of the city, except the City Manager, City Attorney, and their respective staffs, to investigate, review, process or recommend action with respect to a development project; and

(b) the reimbursable costs defined in this section.

*Processing fees* means the fees charged to recover processing costs.

*Reimbursable expenses* means reasonable and necessary transportation, transmission, copying and communication expenses directly related to investing, reviewing, processing or recommending action with respect to a development project.

*Retail Merchandising Unit (RMU)* shall mean a movable cart, kiosk or similar device occupying a specific location on a regular basis and tended by a person who, in any public place or place open to the general public, sells or offers for sale any goods, wares or merchandise over the counter of a kiosk or cart.

*Rooming house* shall mean a building used for residential purposes, other than a hotel, wherein three (3) or more rooms, without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence.

*Second dwelling unit* means a dwelling unit which provides complete independent living facilities on the same parcel as a legal single family dwelling including, but not limited to, the permanent provisions for sleeping, eating, cooking and sanitation.

*Short-term use* means a use, lasting no longer than sixty days in a calendar year, determined by the City Planner to be incidental to a generally permitted use or a conditionally permitted use of the property. By way of example only, the following may be considered short-terms uses: parking lot sales, Christmas Tree lots, musical and theatrical performances, use of shipping

(c) Use a single-family dwelling where the mobile home complies with all of the restrictions applicable to a "R" Zone, including, but not limited to, the restrictions set forth in section 5.03.250 of the Colma Municipal Code.

[History: formerly § 5.337; ORD. 244, 11/14/79; ORD. 280, 01/12/83; ORD. 638, 12/14/05]

### **5.03.380 Restrictions Applicable to Dumps.**

No person may hereafter use any land in the Town of Colma for disposal of solid wastes, except as follows:

(a) As to any disposal site being operated as a private dump on December 10, 1980, pursuant to a use permit from the Planning Commission of the Town of Colma, the operator of such dump or the owner of the land may use such land for disposal of solid wastes until December 31, 2010, or until termination (other than a revision, modification or amendment of an existing permit or the replacement of an existing permit with a new and different permit) of the Solid Waste Permit from the State Solid Waste Management Board, whichever date is earlier, as a non-conforming use.

(b) As to any disposal site being operated as a public dump on December 10, 1980 pursuant to a use permit from the Planning Commission of the Town of Colma, the operator of such dump, or the owner of the land, may use such land for disposal of solid wastes until December 31, 1982, or until termination (other than a revision, modification or amendment of an existing permit or the placement of an existing permit with a new and different permit) of the Solid Waste Permit from the State Solid Waste Management Board, whichever date is earlier, as a nonconforming use. The expiration date specified in this subsection (2) shall be extended until December 31, 1983, pursuant to the following procedure:

- (1) The operator shall file a written application therefore with the City Clerk after January 1, 1982 and prior to July 1, 1982, specifying the reasons for the application;
- (2) The City Council shall conduct a public hearing on said application within sixty (60) days thereafter and shall approve the application upon presentation of substantial evidence by the operator showing that good cause exists for such extension and that such dump is not then being operated in violation of any ordinance, law or regulation.

[History: formerly § 5.338; ORD. 257,2/11/81; ORD. 638, 12/14/05]

### **5.03.390 Regulations Applicable to RMU Vendors.**

(a) *RMUs Prohibited.* It shall be unlawful for any person to operate, allow another to operate, or to permit the operation of an RMU on any public street; on any sidewalk; in any area of doorway or entranceway immediately abutting thereon; on any privately owned land without the permission of the owner or lessee of the property; or on any privately-owned land which is not otherwise in compliance with local zoning and building requirements.

(b) *Zoning Clearance Required.* It shall be unlawful for any person to operate, allow another to operate, or to permit the operation of an RMU on any privately owned property, outside of a building, in the Town of Colma without first obtaining a Zoning Clearance from the City Planner. Application for zoning clearance shall be made to the City Planner and shall include the following:

- (1) Name, address and telephone number of the RMU vendor.
- (2) An accurately drawn plan showing the proposed RMU location.
- (3) A drawing or photograph of the proposed RMU.
- (4) For RMU vendors not affiliated with the owner or lessee:
  - (i) Written permission of the owner or lessee of the property.
  - (ii) Verification that the vendor's State Equalization number lists the property address as point of sale.
  - (iii) For RMU vendors operating a food establishment: Verification of Health Department permit.
  - (iv) A zoning clearance fee, which shall be established from time to time by the City Council of the Town of Colma by resolution.

The City Planner shall coordinate the review of applications for zoning clearance and shall issue a clearance certificate to the applicant upon verification of the application materials, verification that the owner or lessee is operating in conformance with local zoning and building requirements and upon finding that the proposed location and design of the RMU unit will not hinder vehicular or pedestrian movement and will not violate any permit condition of the property owner or lessee.

(c) *Display of Clearance and Health Department Permit.* A countersigned copy of the zoning clearance must be displayed at the RMU. For food establishments, the vendor must display a valid Health Department permit.

(d) *Business License Required.* A separate business license is required for RMU vendors not affiliated with the property owner or lessee.

(e) *Non-transferability.* Zoning clearance shall be limited to a specific vendor and shall not be transferable to any other person or entity.

[History: formerly § 5.339, ORD. 506, 3/12/97; ORD. 524, 1/14/98; ORD. 638, 12/14/05]

#### **5.03.400 Application for Use Permit.**

(a) An application for a Use Permit shall be made on the Town of Colma Project Application and shall contain such information as is necessary to complete the Project Application. In addition, the application shall contain sufficient information to enable the City Council to determine whether the standards for granting a Use Permit are met.

[History: formerly § 4.410; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.110 Appeal.**

Any decision taken with respect to the Colma Regulation of Food Establishments, Issuance of Permits, Fees and Penalties Ordinance may be appealed by any interested party to the city council in accordance with the procedures set forth in section 1.02.140 of the Colma Municipal Code.

[History: formerly § 4.411, ORD. 296, 4/11/84; ORD. 521, 12/10/97; ORD. 638, 12/14/05]

#### **4.04.120 Severability.**

If any section, subsection, subdivision, sentence, clause, or phrase of this Subchapter Four is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions thereof. The City Council hereby declares that it would have passed this Subchapter Four, and each section, subsection, subdivision, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

[History: formerly § 4.412; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.130 Food Vending Vehicle Standards.**

The following standards shall apply to all food vending vehicles operating in Colma:

(a) Vending from any vehicle shall not be permitted within one hundred feet of any intersection of two or more public streets. The vending vehicle operator shall comply with parking signs, curb markings and other traffic and parking restrictions at all times.

(b) Vending vehicles are permitted only in commercially zoned areas of the Town with the exception that vendors using small vehicles, less than twenty feet (20') long, shall be permitted in the residentially zoned areas of the Town and shall also be exempt from the Zoning Clearance fee and provision (7) below.

(c) Vending from any vehicle shall be limited to fifteen (15) minutes in any one location, and the vehicle must be moved a distance of not less than two hundred feet between consecutive stops at which vending occurs. Once a vehicle has moved from a vending location, it may not return to that location for at least twenty-four (24) hours.

(d) Vending vehicles shall not be parked, stopped, or left standing in any manner which blocks or impedes vehicular access to any driveway or restricts the free movement of other vehicles upon any street.

(e) Vending vehicle operators shall not conduct business in any congested area where their operation might impede or inconvenience the public.

(f) Vending vehicle operators shall pick up and deposit in the trash receptacle on the vehicle any paper, cups, wrappers, litter or other refuse from the vehicle and which has been left or abandoned on any public property. No street vendor or operator shall dispose of any

trash or refuse in any public or private trash receptacle other than one owned or under the control of the operator.

(g) Vending vehicles shall not use any sound amplifier or loudspeaker for the purpose of advertising or attracting attention to merchandise or goods offered for sale.

(h) Vending shall not be permitted directly to persons in other vehicles or from other than the curb side of the vending vehicle.

(i) Failure to carry on, maintain and conduct a vehicle vending business according to the regulations provided for in this chapter is an infraction the fine for which shall be as set forth in Colma Municipal Code Section 6.01.020.

(j) All vending vehicles and operators which sell items within the Town of Colma shall secure a Business License.

(k) All vending vehicles shall possess and display a valid permit issued by the Health Department.

[*History:* formerly § 4.413, ORD. 561, 9/8/1999; ORD. 638, 12/14/05]