



**Agenda Item No: 6.a**  
**Meeting Date: February 5, 2024**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: City Clerk’s Office

Prepared by: Lindsay Lara,  
City Clerk

City Manager Approval: 

**TOPIC: GENDER-NEUTRAL LANGUAGE AMENDMENTS TO MUNICIPAL CODE**

**SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING THE SAN RAFAEL MUNICIPAL CODE IN ITS ENTIRETY TO REPLACE GENDER-SPECIFIC LANGUAGE WITH GENDER-NEUTRAL LANGUAGE**

**RECOMMENDATION:**  
Introduce an ordinance amending the San Rafael Municipal Code in its entirety to replace gender-specific language with gender-neutral language, waive further reading of the ordinance, and refer to it by title only.

**BACKGROUND:**  
In 2017, in recognition of growing awareness, the California Legislature introduced and passed Senate Bill 179 Gender identity: female, male, or non-binary, which was signed into law and took effect in 2019. SB 179 provided for a third gender option on the state driver’s license, identification card, and birth certificates.

The League of California Cities also developed a [best practices guide](#) for city officials and city staff related to new state laws, policies, and practices that promote inclusive workplaces. Included in the list of recommendations is for municipalities to replace all gendered terms within their Municipal Code with gender-neutral terms.

In recent years, broadening societal awareness of transgender and gender-nonconforming identities has brought to light the importance of non-binary gender inclusivity. The City Council adopted the [2023-2025 Goals and Objectives](#), which included Diversity, Equity, Inclusion and Belonging as one of its key policy focus areas, and the recommended action to introduce this ordinance falls into that policy focus area.

The City Clerk’s Office is responsible for maintaining and managing the official version of the San Rafael Municipal Code and utilizes CivicPlus, Inc. for the codification of ordinances. According to CivicPlus, the San Rafael Municipal Code currently contains mostly masculine pronouns.

**ANALYSIS:**  
This report responds to the League of California Cities’ best practices guide recommendation for municipalities to replace all gendered terms within their Municipal Code with gender-neutral terms. The

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**FOR CITY CLERK ONLY**

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

City Clerk's Office drafted an ordinance (Attachment 1). If approved, the ordinance replaces gendered terms with gender-neutral terms by making changes such as the following:

1. Gendered subject (he, his, him, she, her, hers) be replaced by 'they, them, their'.
2. Gendered subject (fireman, policeman, chairman, councilmen) be replaced by its gender-neutral pronoun 'firefighter, police officer, chairperson, councilmember'.
3. Additional terms, such as: "workmanlike," "man-made," and "manhole" were found in review of the code. Where they were identified, amendments will be made as to language that would more reasonably confer gender neutrality. Examples:
  - a. Materialmen = laborers
  - b. Man-made = human-made
  - c. Manholes = maintenance holes
  - d. Workmanship = skilled work

Exhibit A to the ordinance indicates these changes to each section of the code where gender-specific language is currently used.

The ordinance also amends three sections of the code (Section 1.08.090 (Gender), Subsection 10.04.010(A) (Definitions) and Subsection 14.03.020(E) (Rules for construction of language) to specify how gender-neutral terms are to be interpreted under the code.

**FISCAL IMPACT:**

This update to the San Rafael Municipal Code is estimated to cost \$600 and will be paid from the City's existing codification contract with CivicPlus. Funds are allocated in the General Fund budget.

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Introduce the Ordinance, waive further reading and refer to it by title only.
2. Introduce the Ordinance, waive further reading and refer to it by title only with minor modifications.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Introduce an ordinance amending the San Rafael Municipal Code in its entirety to replace gender-specific language with gender-neutral language, waive further reading of the ordinance, and refer to it by title only.

**ATTACHMENTS:**

1. Ordinance with Exhibit A

## ORDINANCE

### AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING THE SAN RAFAEL MUNICIPAL CODE IN ITS ENTIRETY TO REPLACE GENDER-SPECIFIC LANGUAGE WITH GENDER-NEUTRAL LANGUAGE

**WHEREAS**, the San Rafael Municipal Code contains mostly masculine pronouns; and

**WHEREAS**, all genders are created equal; and

**WHEREAS**, amending the San Rafael Municipal Code to include gender-neutral pronouns by eliminating any gender preference language within the San Rafael Municipal Code will promote equality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council of the City of San Rafael finds that all Recitals are true and correct and incorporate them herein by this reference.

**SECTION 2.** Gender-specific language reflected throughout the entire San Rafael Municipal Code, not including the City Charter, is hereby replaced with gender neutral language as grammatically appropriate and in a manner that does not change the legal meaning of any provision of the code.

**SECTION 3.** Each specifically gendered term identified in Exhibit A, attached hereto and incorporated herein, and which is also found within the San Rafael Municipal Code, shall be replaced by a corresponding non-gendered term. Exhibit A is non-exhaustive and may be amended from time to time.

**SECTION 4.** Section 1.08.090 (Gender), Subsection 10.04.010(A) (Definitions) and Subsection 14.03.020(E) (Rules for construction of language) are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

#### **1.08.090 – Gender neutrality.**

~~Any gender includes the other genders. Whenever a personal pronoun is used in the neutral gender, it shall be deemed to include the feminine and masculine also. “They/them” shall indicate a singular individual, unless the context indicates the contrary.~~

#### **10.04.010 - Definitions.**

A. In this chapter the singular number includes the plural and the plural the

singular, and the masculine gender includes the other genders. Whenever a personal pronoun is used in the neutral gender, it shall be deemed to include the feminine and masculine also. "They/them" shall indicate a singular individual, unless the context indicates the contrary.

**14.03.020 - Rules for construction of language.**

E. ~~References in the masculine and feminine genders are interchangeable.~~  
Whenever a personal pronoun is used in the neutral gender, it shall be deemed to include the feminine and masculine also. "They/them" shall indicate a singular individual, unless the context indicates the contrary.

**SECTION 5.** This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 5<sup>th</sup> day of February 2024, and was passed and adopted at a regular meeting of the San Rafael City Council on the 20<sup>th</sup> day of February 2024 by the following vote, to wit:

AYES:            Councilmembers:  
NOES:            Councilmembers:  
ABSENT:        Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

## Exhibit A

### Gender Neutralization Report for the City of San Rafael Municipal Code

Changing the term "he" to "they;"  
 Changing the term "she" to "they;"  
 Changing the term "his" to "their;"  
 Changing the term "her" to "their;"  
 Changing the term "him" to "them;"  
 Changing the term "himself" to "themselves;"  
 Changing the term "herself" to "themselves;"  
 Changing the term "policeman" to "police officer;"  
 Changing the term "policewoman" to "police officer;"  
 Changing the term "policemen" to "police officers;"  
 Changing the term "policewomen" to "police officers;"  
 Changing the term "fireman" to "firefighter;"  
 Changing the term "firemen" to  
 "firefighters;" Changing the term "man or woman" to  
 "person;" Changing the term "men and women" to  
 "persons;" Changing the term "councilmen" to  
 "councilmembers;" Changing the term "chairman" to  
 "chair" or "chairperson;" and  
 Changing the term "vice chairman" to "vice chair."

Additional terms, such as: "workmanlike," "man-made," and "manhole" were found in review of the Code of Ordinances. Where they are identified, language will be used to more reasonably confer gender neutrality.

<i>Code Section</i>	<i>Text</i>	<i>Context Change (If Needed)</i>
1.08.020	"Code enforcement official" means the city manager, department directors, including the director of management services, the director of community development, the public works director/city engineer, the fire chief, the police chief, the director of community services, the redevelopment agency director, library director and any of their designated agents or representatives, including but not limited to code enforcement officers, police officers, fire department division chiefs, chief building official, building inspectors, the Central Marin sanitation agency officials designated by resolution, the storm water program manager, parking enforcement officers, the city health officer, and the county health officer and <b>his</b> or <b>her</b> designated registered environmental health specialists carrying out the duties of city health officer pursuant to agreement with the city.	

1.08.060	<p>Whenever a notice is required to be given under this code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail, in a sealed envelope, postage prepaid, addressed to such person to be notified, at <b>his</b> last known business or residence address as the same appears in the public records of the city or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the United States mail.</p>	
1.12.010	<p>When the police department has in its possession any personal property, the ownership of which is unknown, the department shall retain the property in its possession for a minimum period of three (3) months from the date on which it came into possession of the department, during which time the members of the department shall make reasonable effort to ascertain the identity of the owner thereof, and, should the identity and address of such owner be ascertained, shall give notice to such owner by registered mail of the fact that the property is in the possession of the department, and that the owner, upon satisfactorily identifying <b>himself</b> and <b>his</b> ownership, will be entitled to receive the property. If, during the three-month period, the department is unable to ascertain the name and address of the owner of such property, and no person or persons make claims thereto and prove their ownership, the chief of police shall cause such property to be sold at public auction to the highest bidder for cash after having first given notice of the time</p>	

	and place of such sale for a minimum period of ten (10) days before the time fixed therefor by publication in the San Rafael Independent Journal, a newspaper of general circulation published in the county of Marin, state of California. Such notice shall generally describe each specific item of property to be sold. The cost of such publication shall be a proper charge against the city, and the proceeds from the sale shall be deposited by the chief of police with the city treasurer as a miscellaneous receipt.	
1.16.060	3. Within two (2) business days after receipt of a written request for hearing under this section, the city clerk, or <b>his</b> or <b>her</b> designee, shall mail to the accused violator and to the complainant(s), if any, a written notice of hearing setting forth the date and time of a hearing at which the accused violator and complainant(s) may present oral or written evidence concerning the alleged violation or the penalty proposed. Such hearing shall be set no earlier than five (5) business days after the date of the notice of hearing.	
1.16.060	D. In any case where the city clerk determines that <b>he</b> or <b>she</b> may have a conflict of interest in the enforcement of this ordinance, the city clerk may delegate such enforcement to independent counsel to be selected by the city clerk in consultation with the city attorney.	
1.40.040	In any case in which an arrest is made pursuant to this authority for a misdemeanor offense, the code enforcement official will, instead of taking the person arrested before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the California Penal Code, unless the arrested person demands to be taken before a magistrate; provided, that nothing herein shall prevent a peace officer from exercising <b>his</b> or <b>her</b> authority not to release an arrested person pursuant to the provisions of Penal Code Section 853.6(c) or any other provisions of law. The provisions of such Chapter 5C shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.	
1.40.060	There shall be no civil liability on the part of and no cause of action shall arise against any person acting pursuant to Section 1.40.020 and within the scope of <b>his</b> authority for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer at the time of such arrest had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose <b>his</b> right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.	
1.44.050	A. Any recipient of an administrative citation may contest that there was a violation of this code, or that <b>he</b> or <b>she</b> is the responsible party, by completing a request for hearing form and returning it to the director of administrative services within thirty (30) days from the date of the administrative citation, together with an advance deposit of the fine, except where an advance deposit hardship waiver has been obtained in accordance with procedures adopted by the director of administrative services.	
2.02.040	B.(1) Beginning with the general municipal election in November 2020, councilmembers shall be elected in the electoral districts reflected on the map contained in Exhibit A hereto and as subsequently reapportioned as provided by State law. Elections shall take place on	

	<p>a by-district basis as that term is defined in California Government Code section 34871, meaning one member of the city council shall be elected from each district, by the voters of that district alone, except for the mayor, who shall be elected citywide. In accordance with the city charter, each councilmember and the mayor, shall serve a four-year term until <b>his</b> or <b>her</b> successor has qualified.</p> <p>(2) Except as provided in subdivision (B)(3) hereof, the councilmember elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for city council must live in, and be a registered voter in, the district in which <b>he</b> or <b>she</b> seeks election at the time nomination papers are issued, pursuant to California Government Code section 34882 and Elections Code section 10227. Termination of residency in a district by a councilmember shall create an immediate vacancy for that council district unless a substitute residence within the district is established within thirty days after the termination of residency.</p> <p>(3) Notwithstanding any other provision of this section, each of the councilmembers in office at the time this chapter takes effect shall continue in office until the expiration of the full term to which <b>he</b> or she was elected and until <b>his</b> or <b>her</b> successor is qualified. Vacancies in councilmember offices elected at-large may be filled from the city at-large. At the end of the term of each councilmember, that member's successor shall be elected on a by-district basis in the districts established in subsection A and the map contained in Exhibit A hereto, as may subsequently reapportioned as provided by State law. A vacancy in a Councilmember office elected by-district shall be filled by a person qualified to hold the office, who is a resident of the district.</p>	
2.08.010	<p>The city manager shall be appointed by the city council solely on the basis of <b>his</b> executive and administrative qualifications. No person elected to membership on the city council of the city shall, subsequent to the election, be eligible for appointment as city manager until one year has elapsed after <b>he</b> has ceased to be a member of the council.</p>	
2.08.020	<p>The council shall appoint the city manager for an indefinite term and may remove <b>him</b> by a majority vote of its members. At least thirty days before the removal becomes effective, the council shall, by a majority vote of its members, adopt a preliminary resolution stating the reasons for <b>his</b> removal. The manager may reply in writing within ten days after receipt of notice of the preliminary resolution, and may request a public hearing which shall be held not earlier than twenty days nor later than thirty days after the filing of the request. After the public hearing, if one is requested, and after full consideration, the council by majority vote of its members, may adopt a final resolution of removal.</p> <p>By the preliminary resolution the council may suspend the manager from duty, but shall in any case cause to be paid to the manager forthwith any unpaid balance of <b>his</b> salary and <b>his</b> monthly salary shall continue to be paid for the next three calendar months following adoption of the preliminary resolution until <b>he</b> is reinstated. In the event of removal, the city council may appoint a new city manager within a reasonable time thereafter and must exercise due diligence in naming a successor.</p>	



2.08.030	The city manager shall be the administrative head of the city government under the direction and control of the city council, except as otherwise provided by the city charter or by ordinance. He shall be responsible to the city council for the efficient administration of all affairs of the city which are under his control. In addition to the city manager's general powers as administrative head, and not as a limitation thereon, it shall be his duty and he shall have the following power:	
2.08.030	(b) To recommend to the city council the employment, discipline, or removal of all heads of departments and appoint all subordinate officers and employees of the city; to recommend transfer of employees from one department to another, the consolidation or combination of offices, positions, departments, or units under his jurisdiction. The foregoing provisions shall not apply, however, to the positions of city attorney or city clerk, but shall apply to their subordinates, deputies, assistants, and employees in their respective offices and departments. Matters of supervision, discipline, and control of departmental subordinate officers and employees shall be governed by the city's personnel rules and regulations;	
2.08.030	(d) To attend all meetings of the council and its committees unless excused therefrom by the council or the committee and except when his removal is under consideration by the council; (e) To recommend to the council for adoption such measures and ordinances as he deems necessary or expedient;	
2.08.060	The city manager shall be the purchasing agent of the city. It shall be his duty to make all purchases for and in behalf of the city, provided that in those cases where the charter of the city of San Rafael requires that sealed proposals be called for the council, the city manager shall lay before the council such information as may assist the council in accepting or rejecting the proposals.	
2.08.190	He shall have the direct control, supervision and direction of and over the fire department of the city, its quarters, equipment and personnel; He shall be responsible for the enforcement of the rules and regulations of the department, fixed and adopted by the board of fire commissioners, and he shall have and exercise the power to suspend or remove from service any officer or member of the department for cause, in such manner as is or may be provided for in the civil service provisions of this code (Chapter 2.20), and in the Civil Service Rules and Regulations adopted and used in connection therewith. The chief of the fire department, or the officer acting in his stead, shall exercise supreme command over the department, its equipment and personnel at all fires or other emergencies involving the use of the fire department, its personnel and/or equipment.	
2.10.030	Each person holding a designated position, shall file a statement of economic interests disclosing his or her interest in investments, real property, and income designated as reportable under the categories to which the person's designated position is assigned. Each person required to file a statement of economic interests shall file the original of said statement with the city clerk within the time limits specified in Fair Political	

	Practices Commission regulation Section 18730(b)(5). All statements of economic interests shall be available for public review in the office of the city clerk.	
2.12.010	The police department of the city shall be <b>manned</b> by and shall consist of the chief of police, one captain of police, one lieutenant of police, one sergeant of police, and such additional officers or <b>patrolmen</b> as the council determines or confirms from time to time by resolution or ordinance.	Change “manned” to “staffed” change "officers or patrolmen" to "police officers"
2.12.020	The captain of police, lieutenant of police, sergeant of police and all other officers or <b>patrolmen</b> shall severally receive as compensation for their respective services, such salaries as the city council may determine from time to time by resolution. In the event of the employment of special officers and clerks in addition to those hereinabove provided for, the special officers and clerks shall be paid such sum as may be fixed by the council by resolution.	change "officers or patrolmen" to "police officers"
2.12.040	No officer of the police department, except the chief of police, shall be subject to the orders of the mayor or city council, except that the mayor shall have such powers as are conferred upon <b>him</b> by the city Charter, and except further that the city council may, by resolution or ordinance, prescribe general changes in the method of conducting the police department, may limit or fix the number of officers on each shift and prescribe their duties. It is the intention of this section to prohibit day-to-day assignments of work by the mayor or <b>councilmen</b> or single-instance interference with the duties of police officers, but to leave day-to-day supervision and direction in the hands of the chief of police, to leave the mayor <b>his</b> supervisory authority and to preserve to the council the right to establish general or uniform rules for the conduct of the department. Each officer of the department of police shall perform such duties as are assigned to <b>him</b> from time to time by the chief of police and other superior officers.	
2.12.060	The chief of police shall have complete authority, control and command, subject to the provisions of this chapter, over the auxiliary police force. <b>He</b> may provide for the training of candidates for membership, and for the further training of members.	
2.12.070	No person shall be deemed a member of the auxiliary police force until <b>he</b> has been registered as such in a roster to be kept by the chief of police and not until <b>he</b> has taken <b>his</b> oath that <b>he</b> will observe and obey the Constitution of the United States, the Constitution of this state, and the laws of this nation, this state and this city and that <b>he</b> will carry out the duties of a member of the auxiliary police force of this city to the best of <b>his</b> ability. Members may be nominated by the chief of police or by the mayor, but shall not be deemed qualified and active members of such auxiliary force until confirmed or approved by the council.	
2.12.080	An identification card and such other insignia or evidence of identity as may be prescribed by the chief of police shall be issued to each member, who must carry the card and other identification at all times while on duty, and <b>he</b> must surrender them upon the termination of <b>his</b> membership.	
2.12.090	The membership of any person may be terminated by the chief of police at any time, and	

	any member may resign from the auxiliary police force at any time, but it shall be <b>his</b> duty to notify the chief of <b>his</b> resignation.	
2.12.100	No member of the auxiliary police force shall, while on duty, carry or use any firearm except upon the completion of a course of instructions in the use of the same and having thereafter obtained a certificate signed by the chief of police and countersigned by the officer in charge of training said auxiliary <b>policemen</b> .	
2.12.110	It is unlawful for any person to wear, carry or display an auxiliary police force identification card or insignia or otherwise deceitfully represent <b>himself</b> to be connected with such force unless <b>he</b> is in fact a member thereof.	
2.12.140	The chief of the fire department shall have complete authority, control and command, subject to the provisions of this chapter, over the auxiliary fire force. <b>He</b> may provide for the training of candidates for membership, and for the further training of members.	
2.12.150	No person is a member of the auxiliary fire force until <b>he</b> has been registered as such in a roster to be kept by the chief of the fire department, and not until <b>he</b> has taken <b>his</b> oath that <b>he</b> will observe and obey the Constitution of the United States, the Constitution of this state, and the laws of this nation, this state and this city, and that <b>he</b> will carry out the duties of a member of the auxiliary fire force of this city to the best of <b>his</b> ability. Members may be nominated by the chief of the fire department or by the mayor, but shall not be deemed qualified and active members of such auxiliary force until confirmed or approved by the council.	
2.12.160	An identification card and such other insignia or evidence of identity as may be prescribed by the chief of the fire department shall be issued to each member, who must carry the card and other identification at all times while on duty, and must surrender them upon the termination of <b>his</b> membership.	
2.12.170	The membership of any person may be terminated by the chief of the fire department at any time, and any member may resign from the auxiliary fire force at any time, but it shall be <b>his</b> duty to notify the chief of <b>his</b> resignation.	
2.12.180	It shall be unlawful for any person to wear, carry or display an auxiliary fire force identification card or insignia or otherwise deceitfully represent <b>himself</b> to be connected with such force unless <b>he</b> is in fact a member thereof.	
2.18.050	(c) The building division shall maintain a current record of designated landmarks and historic districts. Upon receipt of an application for a permit to carry out any construction, alteration, removal or demolition of a structure on a landmark site or in a historic district, the city engineer or <b>his</b> designee shall, unless the structure or feature concerned has been declared unsafe or dangerous pursuant to Section 2.18.067 of this chapter, promptly forward such permit application to the commission.	
2.18.090	(a) Duty to Administer and Enforce. It shall be the duty of the city manager, or <b>his</b> or <b>her</b> designee, to administer and enforce the provisions of this chapter. Upon request, the chief building official shall assist the city manager in the performance of this duty. (b) Inspection of Premises. In the performance of their duties, the city manager, or <b>his</b> or	

	<p><b>her</b> designee, shall have the right to enter any building or premises for the purpose of investigation and inspection; provided, that such right of entry shall be exercised only at reasonable hours, and that in no case shall entry be made to any building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.</p>	
2.18.100	<p>A permittee shall have such vested rights if, prior to July 21, 1975, the date of the enactment of the ordinance codified in this chapter or its application, <b>he</b> has in good faith, and in reliance upon such permit, diligently commenced construction, alteration or demolition and performed substantial work on the development and incurred substantial liabilities for work and materials necessary therefor.</p>	
2.20.060	<p>The period of time during which an employee, subject to this chapter and to the rules and regulations promulgated hereunder, is required to be absent from <b>his</b> or <b>her</b> position by reason of an injury or disease for which <b>he</b> or <b>she</b> is entitled to receive compensation under the provisions of Division 4 of the Labor Code (commencing with Section 3201) is not a break in <b>his</b> or <b>her</b> continuous service for the purpose of <b>his</b> or <b>her</b> right to salary adjustments, sick leave, vacation or seniority.</p>	
2.22.010	<p>A. A background check is authorized to be conducted prior to any type of employment by the City of San Rafael, including for volunteer and independent contractor positions. No person shall be employed by the City of San Rafael if the applicant has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the employment position, as determined by the police chief or <b>his/her</b> designee.</p>	
2.28.020	<p>All claims and demands against the city shall be filed with and audited by the director of administrative services, who shall then present them to the city manager for <b>his</b> approval or rejection.</p>	
2.28.060	<p>Upon allowing a demand or approving a register of audited demands, the mayor shall draw a warrant or warrants upon the city treasurer specifying the purpose for which drawn and the fund from which payment is to be made. The city manager shall countersign the warrant. In <b>his</b> absence, the assistant city manager shall countersign the warrant. The city council, by ordinance or resolution, may prescribe an alternate method of drawing warrants and checks; provided, however, that the method shall require the manual signature of at least one municipal officer who has executed an official bond to the city covering the faithful performance by such officer of the duties of <b>his</b> office.</p>	
2.32.051	<p>The relocation appeals board shall consist of five members appointed by the mayor and approved by the city council. The members of the relocation appeals board shall serve without compensation, but each of the members shall be reimbursed for <b>his</b> necessary expenses incurred in performance of <b>his</b> duties, as determined by the city council.</p>	
2.50.010	<p>Any property owner, or other person having possession and control thereof, who receives a summary of costs under this section shall have the right to a hearing before the director on <b>his</b> objections to the proposed costs in accordance with the procedures set forth herein.</p>	
2.50.040	<p>(1) Administration and Enforcement. The department of public works is responsible for administering and enforcing this title and providing an inspector to enforce this and other</p>	

	city and state building and safety laws. The code enforcement officer shall have the duty of educating the public in the use of codes, inspection, and enforcement and of each of the codes adopted by reference in the code above, the city zoning and enabling codes, including its amendments or revisions and all other state and city laws referring to building and materials and land use. He may obtain assistance from other city officials or employees when necessary to enforce these provisions, regulations or other city or state laws under his jurisdiction.	
2.55.020	G. "Purchasing agent" shall mean the city manager or his or her designee.	
2.55.030	G. Delegate his or her authority under this ordinance, except where expressly prohibited.	
2.55.050	The risk manager or the city attorney shall establish appropriate requirements for insurance and indemnification of the city by the contractor. Prior to approval by the city manager or city council, all contracts and agreements of which the city is to be a party shall be submitted to the risk manager or his or her designee, together with a certificate of insurance, endorsement and any other required documentation. Each agreement shall be attested to by the city clerk.	
2.55.070	All using departments shall submit to the purchasing agent, at such times and in such forms as he or she shall prescribe, reports showing all supplies, materials and equipment which are no longer used or which have become obsolete or worn out. The purchasing agent shall have authority to sell as surplus such supplies, materials and equipment which cannot be used by any department or which have become unsuitable for city use, or to exchange the same for, or trade in the same on new supplies, materials, and equipment. All sales of said property shall be based, whenever possible, on competitive bids as provided in this chapter.	
2.55.110	B. When the purchasing agent determines in writing that the use of competitive sealed bids is either not practical or not advantageous to the city, the city manager may authorize the purchasing agent or his or her designee to contract for or to purchase supplies, materials, equipment or services by use of competitive negotiation.	
2.55.130	When deemed necessary by the purchasing agent, bidders' security may be prescribed in the invitation to bid. Bids received without the prescribed security shall be considered nonresponsive, incomplete, and shall be deemed rejected. Bidders shall be entitled to return of bid security provided that a successful bidder shall forfeit his bid security upon refusal or failure to execute the purchase agreement within ten (10) days after the notice of award has been mailed, unless the city is responsible for the delay. If the successful award may be made to the next lowest responsible bidder, the amount of the lowest bidder's security shall be applied by the city to the difference between the lowest bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.	
2.55.140	When deemed necessary by the purchasing agent, a performance bond may be prescribed in such amount as he shall find reasonably necessary to protect the best interest of the city, and shall be described in the notice inviting bids. Failure to submit a performance bond in the time prescribed in the notice of award shall be just cause for annulment of	

	the award and forfeiture of the bidder's security.	
2.55.160	Sealed bids shall be submitted to the city clerk or <b>his</b> or <b>her</b> designee and shall be identified on the envelope as bids. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection in the city clerk's office during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.	
3.08.040	Said assessor shall verify said list by <b>his</b> oath to be thereto attached and to be substantially in the following form:	
3.08.050	The assessor shall have the power to exact from every person a statement under oath, setting forth specifically all the real and personal property owned by such person, or in <b>his</b> possession, or under <b>his</b> control, at twelve (12:00) noon on the first Monday in March. Such statement shall be in writing and shall show separately:	
3.08.050	<p>5. All solvent credits due or owing to such person, or any firm of which <b>he</b> is a member, or due or owing to any corporation of which <b>he</b> is president, secretary, cashier, or managing agent, deducting from the sum of such credits such debts only, as may be owing by such person, firm or corporation to bona fide residents of this state. No debt shall be so deducted unless the statement shows the amount, in aggregate, of such debt as stated under oath. Whenever one member of a firm or one of the proper officers of a corporation, has made a statement showing the property of the firm or corporation, another member of the firm or corporation, or another officer need not include such property in the statement made by <b>him</b>; but <b>his</b> statement must show the name of the person or officer who made the statement in which such property is included.</p> <p>The assessor is hereby authorized to provide <b>his</b> office, at the expense of the city, with necessary blank forms for the statements herein mentioned and shall cause to be printed upon each such blank form an affidavit form, substantially as follows:</p>	
3.08.050	The assessor may fill out the statement at the time when <b>he</b> presents it, or <b>he</b> may deliver it to the person and require <b>him</b> , within a reasonable, specified time, to return it to <b>him</b> , properly filled out.	
3.08.060	The assessor shall have power to require any person found within the city of San Rafael to make and subscribe an affidavit, giving <b>his</b> name and place of residence, and <b>he</b> shall further have power to subpoena and examine any person in relation to any statement furnished to <b>him</b> or which discloses property which is assessable in the city of San Rafael. It shall be unlawful for any person to refuse to furnish the statement hereinbefore required, or to make and subscribe such an affidavit respecting <b>his</b> name and place of residence, or to appear and testify when requested to do so by the assessor, as above provided.	
3.08.080	As soon as completed, and on or before the first Monday in August of each year the assessor shall deliver <b>his</b> assessment list and statements to the city council to be equalized; and the city council shall forthwith give notice thereof, and of the time when the said council will meet to equalize assessments, by publication in some newspaper	

	published and circulated in the said city, and in the meantime the assessment list or book must remain open for inspection of all persons interested.	
3.08.090	The clerk of the city of San Rafael shall be ex officio the clerk of the board of equalization, and, as such, <b>he</b> shall keep a full, true record of all of the proceedings of the board of equalization in a book marked, "Records of the Board of Equalization," and in the said book <b>he</b> shall record all changes, corrections and orders made by the board; and during the sessions of the board, or as soon as possible after its adjournment, <b>he</b> shall enter upon the assessment list all changes and corrections made by the board, and, having completed the corrections in the assessment list, <b>he</b> must take and subscribe an oath to be attached thereto and to be substantially in the following form:	
3.08.190	On the first Monday in each month, the tax collector shall settle with the clerk for all moneys collected for the city, and shall pay the same to the treasurer; and on the same day, the tax collector shall file a statement under oath with the clerk, showing an account of all of <b>his</b> transactions and receipts as tax collector since <b>his</b> last settlement, and showing also that all money collected by <b>him</b> as tax collector has been paid to the treasurer.	
3.08.210	On the third Monday in December and on the third Monday in May of each year, the tax collector shall deliver to the clerk a complete delinquent list of all persons and property then owing taxes, in which list shall be set down in numerical or alphabetical order, all matters and things contained in the assessment roll relating to delinquent persons or property. The tax collector shall at the same time produce the assessment roll. The clerk shall carefully compare the delinquent list with the assessment roll, and, if satisfied that it contains a full and true statement of taxes due and unpaid, <b>he</b> shall foot up the total amount of taxes so remaining unpaid, credit the tax collector, who acted under it, therewith, and make a final settlement with <b>him</b> of all taxes charged against <b>him</b> on the assessment roll, and shall require of <b>him</b> the treasurer's receipt for any existing deficiency. After settlement with the tax collector as prescribed herein the clerk shall charge the tax collector with the amount of taxes due on the delinquent list including penalties, and within three (3) days thereafter shall deliver said list duly certified to the tax collector.	
3.08.230	The tax collector shall, as soon as <b>he</b> shall have made and completed the publication aforesaid, file with the county clerk of the county of Marin, and with the city clerk, respectively, a copy of the publication with an affidavit attached thereto, that it is a true copy of the same, and that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance, such affidavit shall be primary evidence of all of the facts stated therein.	
3.08.270	The city assessor must collect the taxes on all personal property when, in <b>his</b> opinion, said taxes are not a lien upon real property sufficient to secure payment of the taxes.  The taxes on all assessments of possession of, claim to, or right to the possession of land, and the taxes upon taxable improvements located upon land exempt from taxation, shall be immediately due and payable upon assessment and shall be collected by the assessor unless, in said city, the owner or claimant of such possession of, claim to or right to the	

	possession of land, or of such improvements, shall also own taxable real property in fee, in which event the taxes due upon such possession of, claim to or right to the possession of land, or upon such improvements, are respectively a lien upon such taxable real property so owned in fee, which lien attaches as of the first Monday in March in each year, and such taxes need not be collected by the assessor if in <b>his</b> opinion such taxable real property so owned in fee is sufficient to secure the payment thereof.	
3.08.300	On the day and hour fixed for the sale, all the property delinquent, upon which the taxes of all kinds, penalties and costs have not been paid, shall, by operation of law and the declaration of the tax collector, be sold to the city of San Rafael, and the tax collector shall make an entry, "Sold to the City," on the delinquent assessment list, opposite the tax, and <b>he</b> shall be credited with the amount thereof in <b>his</b> settlement made with the clerk; provided, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties and costs due.	
3.08.310	If the property is not redeemed within five (5) years from the date of the sale to the city, the tax collector, or <b>his</b> successor in office, shall make to the city, a deed of the property. Such deed shall be in substance, and may be in form, as follows:	
3.08.310, deed language	IN WITNESS WHEREOF, said first party has hereunto set <b>his</b> hand the day and year first above written.	
3.08.310	No other matters need be recited in the deed than those provided for in the above form. No charge shall be made by the tax collector for the making of any such deed. All such deeds shall be recorded in the office of the county recorder of the county of Marin, and the expense of acknowledging and recording the same shall be a charge against the city of San Rafael. All such deeds, after having been duly recorded as herein provided, shall be transmitted to the city clerk and by <b>him</b> filed in <b>his</b> office. Such deed, duly acknowledged or proved, is primary evidence that property was assessed as required by law; that the property was equalized as required by law; that the taxes were levied in accordance with law; that the taxes were not paid; that at a proper time and place the property was sold as prescribed by law, and by the proper officer; that the property was not redeemed, and that the person who executed the deed was the proper officer.	
3.08.520	In all cases where deeds have been executed by the tax collector to the city, as provided in Section 3.08.310, and the owner of the property redeems the same as provided in this chapter, the mayor and the city clerk are empowered and directed to make, execute and deliver, in the name of the city, to the person in whose name the property is assessed, or <b>his</b> assigns, or when assessed to unknown owners, to the owner of such real property, a deed in substance and in form as follows:	
3.08.530	In case the tax collector discovers before any sale that by reason of irregular assessment or any other error, any land ought not to be sold, <b>he</b> shall not offer it for sale, but the city council shall in such case cause the assessor to enter the uncollected taxes upon the assessment list of the next succeeding year, to be collected as other taxes entered thereon.	
3.08.540	When the tax collector discovers that any property has been assessed more than once for the same year, <b>he</b> shall collect only the tax justly due, and shall make return of the facts	



	to the clerk by an affidavit.	
3.16.050	(3) Mailed by the seller, pursuant to the contract of sale, to persons in the armed forces at points outside continental United States, notwithstanding the property is addressed in care of the Postmaster and forwarded by <b>him</b> to the addressee. When mail is addressed to Army Post Offices (APO's) in care of the Postmaster or to naval forces addressed in care of the Postmaster, it will be presumed that it is forwarded outside California. The seller must keep records showing the names and addresses as they appear on the mailed matter and should keep evidence that the mailing was done by <b>him</b> .	
3.16.050	(b) The sales tax does not apply to sales of airplanes, and parts and equipment for airplanes, transported to a point outside this city pursuant to the contract of sale when such property is delivered to the United States Army Corps or any other agency or instrumentality of the United States for transportation and delivery to the purchaser or someone designated by <b>him</b> at that point.	
3.16.070	Every person desiring to engage in or conduct business as a seller within the City of San Rafael shall file with the City Tax Collector an application for a permit for each place of business from which taxable sales will be made. Every application for a permit shall be made upon a form prescribed by the City Tax Collector and shall set forth the name under which the applicant transacts or intends to transact business, the location of <b>his</b> place or places of business, and such other information as the City Tax Collector may require. The application shall be signed by the owner, if a natural person; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of <b>his</b> authority.	
3.16.100	Whenever any person fails to comply with any of the provisions of this chapter or any rule or regulation adopted pursuant hereto, the City Tax Collector of the City of San Rafael, upon hearing, after giving the person ten days' notice in writing specifying the time and place of hearing and requiring <b>him</b> to show cause why <b>his</b> permit or permits should not be revoked, may revoke or suspend any one or more of the permits held by the person. The notice may be served personally or by mail in the manner prescribed for the service of notice of a deficiency determination under the "Sales and Use Tax Law." The City Tax Collector shall not issue a new permit after the revocation of a permit unless <b>he</b> is satisfied that the former holder of a permit will comply with the provisions of this chapter and the rules and regulations adopted pursuant hereto.	
3.16.170	The City Tax Collector may, at <b>his</b> option, accept a State of California Resale Certificate as evidence that any sale is not a sale at retail, or <b>he</b> may in <b>his</b> discretion require an affidavit from the seller setting forth such information respecting such sale as <b>he</b> deems necessary to determine the nature of such sale.	
3.17.070	Every retailer maintaining a place of business in this city shall apply to the City Tax Collector for authorization to collect the tax imposed by this chapter. Any retailer not maintaining a place of business in this city may apply to the City Tax Collector for authorization to collect the tax hereby imposed. Upon receipt of any application in such	

	form as required by <b>him</b> , the City Tax Collector, in the case of a retailer maintaining a place of business in the city, shall authorize, and in the case of a retailer not maintaining a place of business in the city, may authorize the applicant to make such collections and to forward the same to the City Tax Collector.	
3.17.090	Every retailer who is authorized by the City Tax Collector to collect the tax imposed by this chapter and who makes sales of tangible personal property for storage, use or other consumption in this city, not exempted under the provisions of this chapter, shall collect the tax from the purchaser at the time of making the sale, or, if the storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use or other consumption becomes taxable. Upon collecting the tax the retailer, on demand, shall give to the purchaser a receipt therefor in the manner and form prescribed by the City Tax Collector. The tax so collected by the retailer shall be held in trust by <b>him</b> for the city and shall be paid to the city by the retailer in the manner and at the times elsewhere provided in this chapter.	
3.17.110	Except as otherwise specifically exempted, the tax hereby imposed applies to all tangible personal property located in this city and purchased from a retailer; provided, however, that if the retailer in good faith takes from the purchaser a certificate that the property was purchased prior to the effective date of this chapter or was not purchased for storage, use or consumption in this city and has not been nor will be so stored, used or consumed, <b>he</b> shall be relieved of liability to collect and pay the tax. The certificate shall be signed by and bear the name of the purchaser, shall indicate the address of the purchaser and the place where such tangible personal property will be stored, used or consumed, the date of purchase, and shall be substantially in such form as the City Tax Collector may prescribe.	
3.17.140	Each return filed by a retailer shall show the total sale price of property sold by <b>him</b> during the reporting period in respect of which <b>he</b> collected the tax hereby imposed. Each return filed by a purchaser shall show the total sale price of the property purchased by <b>him</b> during the reporting period, in respect of which a tax is due under this chapter. All returns shall show the amount of the taxes for the period covered by the return and such other information as the City Tax Collector deems necessary to the proper administration of this chapter.	
3.17.180	The City Tax Collector may at <b>his</b> option accept a State of California Resale Certificate as evidence that any sale is not a sale for storage, use or consumption in the City of San Rafael, or <b>he</b> may in <b>his</b> discretion require an affidavit from the seller setting forth such information respecting such sale as <b>he</b> deems necessary to determine the nature of such sale.	
3.18.070	For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or <b>his</b> agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination.	
3.19.060	For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or <b>his</b> agent	

	to an out-of-state destination or to a common carrier for delivery to an out-of-state destination.	
3.19.120	<p>2. Sales of property to be used outside the city which is shipped to a point outside the city, pursuant to the contract of sale, by delivery to such point by the retailer or <b>his</b> agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the city shall be satisfied:</p> <p>a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-city address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, <b>his</b> or <b>her</b> principal place of residence; and</p>	
3.19A.060	For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or <b>his</b> agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination.	
3.19A.120	<p>2. Sales of property to be used outside the city which is shipped to a point outside the city, pursuant to the contract of sale, by delivery to such point by the retailer or <b>his</b> agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the city shall be satisfied:</p> <p>a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-city address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, <b>his</b> or <b>her</b> principal place of residence; and</p>	
3.20.020	(f) "Operator" means the person who is the proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs <b>his</b> function through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purpose of this chapter and shall have the same duties and liabilities as <b>his</b> principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall be considered to be compliance by both.	
3.20.070	The tax collector may establish shorter reporting periods for any certificate holder if <b>he</b> deems it necessary in order to insure collection of the tax and <b>he</b> may require further information in the return.	
3.20.090	If any operator shall fail or refuse to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the tax collector shall proceed in such manner as <b>he</b> may deem best to obtain facts and information on which to base <b>his</b> estimate of the tax due. As soon as the tax collector shall procure such facts and information as <b>he</b> is able to obtain upon which to base the assessment	

	of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make a report and remittance, <b>he</b> shall proceed to determine and assess against the operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at <b>his</b> last known place of address.	
3.20.100	The city council shall fix a time and place for hearing the appeal, and the city clerk shall give notice in writing to the operator at <b>his</b> last known place of address.	
3.20.110	It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of the tax as <b>he</b> may have been liable for the collection of and payment to the city. The tax collector shall have the right to inspect the records at all reasonable times.	
3.22.140	The director of administrative services of the city or <b>his</b> designee (hereinafter in this chapter referred to as "tax collector") shall collect the tax imposed under this chapter and shall otherwise administer this chapter. <b>He</b> may make such rules and regulations, not inconsistent with the chapter, as <b>he</b> may deem reasonably necessary or desirable to administer this chapter.	
3.22.160	<p>The tax imposed by this chapter shall be paid to the tax collector by the persons referred to in Section 3.22.030. Payment shall be accompanied by a declaration of the amount of tax due signed by the person paying the tax or by <b>his</b> agent. The declaration shall include a statement that the value of the consideration on which the tax due was computed includes all indebtedness secured by liens, deed of trust, or other encumbrances remaining or placed on the property transferred at the time of transfer, and also includes all special assessments on the property which the purchaser or transferee agrees to pay or which remain a lien on the property at the time of transfer. The declaration shall identify the deed, instrument or writing effecting the transfer for which the tax is being paid. The tax collector may require delivery to him of a copy of such deed, instrument or writing whenever <b>he</b> deems such to be reasonably necessary to adequately identify such writing or to administer the provisions of this chapter. The tax collector may rely on the declaration as to the amount of the tax due, provided <b>he</b> has no reason to believe that the full amount of the tax due is not shown on the declaration.</p> <p>Whenever the tax collector has reason to believe that the full amount of tax due is not shown on the declaration or has not been paid, <b>he</b> may, by notice served upon any person liable for the tax, require him to furnish a true copy of <b>his</b> records relevant to the value of the consideration or fair market value of the property transferred. Such notice may be served at any time within three years after recordation of the deed, instrument or writing which transfers such property.</p>	
3.22.165	If on the basis of such information as <b>he</b> receives pursuant to the last paragraph of Section 3.22.170 and/or on the basis of such other relevant information that comes into <b>his</b> possession, <b>he</b> determines that the amount of tax due as set forth in the declaration, or as	

	<p>paid, is insufficient, the tax collector may recompute the tax due on the basis of such information.</p> <p>If the declaration required by Section 3.22.170 is not submitted, the tax collector may make an estimate of the value of the consideration for the property conveyed and determine the amount of tax to be paid on the basis of any information in <b>his</b> possession or that may come into <b>his</b> possession.</p>	
3.22.170	The tax collector shall give notice to a person liable for payment of the tax imposed under this article of <b>his</b> determination made under Section 3.22.165.	
3.22.200	If a petition for redetermination is filed within the sixty-day period, the tax collector shall reconsider the determination and, if the person has so requested in <b>his</b> petition, shall grant the person an oral hearing, and shall give him ten days' notice of the time and place of the hearing.	
3.22.210	The tax collector may make such refund if <b>he</b> is satisfied that the claimant is entitled to the refund under the provisions of this section. No refund shall be paid under the provisions of this section unless the claimant establishes <b>his</b> right thereto by written records showing entitlement thereto.	
3.28.080	A. Any taxpayer may, by June 15, file a written request the city manager to reduce or eliminate the Paramedic Service Special Tax for the forthcoming fiscal year. The city manager shall grant the request in full or part, to the extent that the taxpayer establishes to <b>his</b> or <b>her</b> reasonable satisfaction any of the following:	
3.36.070	C. Any owner of a single-family residential parcel, as defined herein, used solely for owner-occupied single-family residential purposes who has attained, or will have attained, the age of sixty-five (65) years or older prior to July 1 of the tax year, may obtain an exemption from the special library services parcel tax for that parcel upon approval of an application of such owner submitted to the library director or <b>his</b> or <b>her</b> designee. Any one (1) application from a qualified applicant will provide an exemption for the parcel for the remaining term of the tax so long as such applicant continues to own and use the parcel as <b>his</b> or <b>her</b> principal residence.	
3.40.040	I. "Collector" means the city's finance director or <b>his</b> or <b>her</b> designee.	
3.40.190	A. The collector shall have the power to audit and examine all books and records of any person engaged in cannabis business in the city, including both state and federal income tax returns, California sales tax returns, or other evidence documenting the gross receipts of persons engaged in cannabis business, and, where necessary, all equipment of any person engaged in cannabis business in the city, for the purpose of ascertaining the amount of cannabis industry tax, if any, required to be paid under this chapter, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to this chapter. If such person, after written demand by the collector, refuses to make available for audit, examination or verification of such books, records or equipment as the collector requests, the collector may, after full consideration of all information within <b>his</b> or <b>her</b> knowledge concerning the cannabis business and activities of the person	

	<p>so refusing, make an assessment against the cannabis business of the taxes estimated to be due under this chapter, following the procedures, rights and obligations set forth in Section 3.20.090 of the San Rafael City Code.</p> <p>B. It shall be the duty of every person liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of at least three (3) years from when the tax was due and originally payable, all records as may be necessary to determine the amount of such tax as <b>he</b> or <b>she</b> may have been liable for the collection of and payment to the city, which records the collector shall have the right to inspect at all reasonable times.</p>	
3.40.220	<p>If the collector is not satisfied that any tax return or other statement filed as required under this chapter is correct, or that the amount of tax is correctly computed, <b>he</b> or <b>she</b> may compute and determine the amount to be paid and make a deficiency determination upon the facts contained in the tax return or statement or any information in <b>his</b> or <b>her</b> possession or that may come into <b>his</b> or <b>her</b> possession within three (3) years of the date the tax was originally due and payable, or such later date as allowable by law. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Section 3.40.250.</p>	
3.40.240	<p>The notice of assessment shall be served upon the person liable for the tax under this chapter either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as <b>he</b> or <b>she</b> shall register with the collector for the purpose of receiving notices provided under this chapter; or, should the person have no address registered with the collector for such purpose, then to such person's last known address. For the purposes of this section, a service by mail is complete at the time of deposit in the United States mail.</p>	
3.40.270	<p>Any person who violates any provision of this chapter or who other than by a sworn statement, knowingly or intentionally misrepresents to any officer or employee of the city any material fact herein required to be provided is guilty of a misdemeanor punishable as provided in Section 1.16.060 San Rafael Municipal Code. A person who on a sworn statement states as true a material fact that <b>he</b> or <b>she</b> knows to be false is guilty of perjury.</p>	
4.04.010	<p>Whenever necessary to make an inspection to enforce any of the provisions of this title, or whenever the fire chief, chief building official, or their authorized representatives has reasonable cause to believe that there exists in any building or premises any condition which makes such building or premises an immediate threat to health and safety, the fire chief, chief building official, or their authorized representatives may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the chief by this code; provided, that if such building or premises is occupied, <b>he</b> shall first present proper credentials and demand entry; and if such building or premises is unoccupied, <b>he</b> shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry.</p>	
4.08.040	<p>A. The fire chief has the authority to interpret, administer and enforce this code. The fire chief may delegate any or all of their authority under this code to such duly authorized</p>	

	subordinates in the fire department as <b>he</b> may designate and the actions of such duly authorized subordinates shall be construed as valid actions of the fire chief.	
4.12.020	"Fire chief" means the chief officer of the city's fire department, or <b>his</b> or <b>her</b> designated representative.	
4.12.032	B. A person seeking an exception to the obligations specified in Section 4.12.030 shall make a written request to the fire chief for a determination as to the application and scope of the aforementioned exception on property owned or controlled by such person. The person making such a request shall provide the fire chief or <b>his</b> or <b>her</b> designee with access to the person's property in order to conduct an investigation. The determination of the fire chief as to the application and scope of the exception shall be final.	
4.12.035	B. A person seeking an exception to the obligations specified in Section 4.12.030 shall make a written request to the fire chief for a determination as to the scope and application of the aforementioned exception on property owned or controlled by such person. The person making such a request shall provide the fire chief or <b>his</b> or <b>her</b> designee with access to the person's property in order to conduct an investigation. The determination of the fire chief as to the application and scope of the exception shall be final.	
4.12.060	The city manager or <b>his</b> or <b>her</b> designee shall hear the appeal, and the decision of the city manager shall be final.	
5.08.050	The office of city traffic engineer is established. The supervisor of public works shall serve as city traffic engineer in addition to <b>his</b> other functions, and shall exercise the powers and duties with respect to traffic as provided in this title.	
5.08.052	Whenever the term "traffic engineer" appears in this code, it shall be deemed to mean the traffic engineer of the city of San Rafael, or <b>his</b> designated and authorized representative. The designation, delegation, or authorization shall be made by the traffic engineer <b>himself</b> .	
5.08.070	There is established an advisory traffic committee to serve without compensation, consisting of the city traffic engineer, the chief of police, the city planner and such number of other city officials as may be determined and appointed by the mayor. The <b>chairman</b> of the committee shall be appointed by the mayor and may be removed by <b>him</b> .	
5.16.010	(c) The city traffic engineer may also place and maintain or cause to be placed and maintained such additional traffic control devices as <b>he</b> may deem necessary to regulate traffic or to guide or warn traffic, but <b>he</b> shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in this title or as may be determined by ordinance or resolution of the City Council.	
5.16.040	(b) The city traffic engineer shall ascertain and determine the locations where such signals are required by resort to field observation, traffic counts and other traffic information as may be pertinent and <b>his</b> determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the Planning Manual of Instructions, Part 8, "Traffic," issued by the Division of Highways of the State	

	<p>Department of Public Works.</p> <p>(c) Whenever the city traffic engineer installs and maintains an official traffic signal at any intersection, <b>he</b> shall likewise erect and maintain at such intersection street name signs visible to the principal flow of traffic unless such street name signs have previously been placed and are maintained at any said intersection.</p>	
5.16.070	The city traffic engineer is hereby authorized to remove, relocate or discontinue the operation of any traffic control device not specifically required by state law or this title whenever <b>he</b> shall determine in any particular case that the conditions which warranted or required the installation no longer exist or obtain.	
5.32.020	Any person riding upon any bicycle, motorcycle, coaster, roller skates or any toy vehicle shall not attach the same or <b>himself</b> to any moving vehicle upon any roadway.	
5.40.070	(a) The city traffic engineer is hereby authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in <b>his</b> opinion, interfere with traffic or create a hazardous situation.	
5.40.120	Whenever the chief of police determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, <b>he</b> shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the chief of police directs during the time the temporary signs are in place. The signs shall remain in place only during the existence of the emergency, and the chief of police shall cause the signs to be removed promptly thereafter.	
5.40.140	3. After review, the director shall determine whether or not to issue the exception permit and, if granted, to impose any appropriate conditions upon the permit. The director shall notify, in writing, the applicant, all owners of property abutting the street for which the exception permit is sought, and the local homeowners association, of <b>his</b> decision. An exception permit shall not become final until thirty (30) days after the date this notice was deposited in the mail.	
5.40.145	2. "Resident" shall mean a person who customarily resides and maintains a place of abode or who owns land within the city. It shall not mean a person who maintains an address at a mailbox drop, or who rents a room which is not <b>his</b> or <b>her</b> primary place of abode, nor shall it mean a person who maintains only a post office box, unless that person also provides evidence of residence at a street address within the city.	
5.40.145	<p>a. A resident with a temporary RV parking permit who parks, stops, or leaves standing <b>his/her</b> recreational vehicle on a public street or highway other than directly in front of (or the side of the property if it is a corner lot) <b>his/her</b> residence will be subject to citation, towing, or both.</p> <p>b. An out-of-town visitor with a temporary RV parking permit who parks, stops, or leaves standing <b>his/her</b> recreational vehicle on a public street or highway other than directly in</p>	



	front of (or the side of the property if it is a corner lot) the residence which the out-of-town visitor is visiting will be subject to citation, towing, or both.	
5.40.145	d. Other. The parking services manager, in <b>his</b> or <b>her</b> discretion, may issue temporary RV parking permits for such other purposes and time periods, and with such conditions, as <b>he</b> or <b>she</b> shall deem appropriate for the promotion of the public health, safety or general welfare.	
5.40.230	(a) The city traffic engineer is authorized to place signs adjacent to any intersection indicating that no person shall park or leave standing a vehicle which is six feet or more in height, within one hundred feet of said intersection, when in <b>his</b> opinion parking of such vehicles would so restrict sight distance as to cause a traffic hazard.	
5.60.050	It is unlawful for any person between the hours of eight a.m. (8:00 a.m.) and six p.m. (6:00 p.m.) of any day to cause or permit any vehicle registered in <b>his</b> name or operated by <b>him</b> to be parked continuously in any parking space equipped with parking revenue equipment within the downtown parking zone, for more than the maximum period of time indicated on said parking revenue equipment, or any time during which the parking revenue equipment indicates that the space is illegally in use, except during the time necessary to make payment at the parking revenue equipment, and excepting also during the time from six p.m. (6:00 p.m.) to eight a.m. (8:00 a.m.), and on Sundays and parking holidays.	
5.60.052	A. It is unlawful for any person to cause or permit any vehicle registered in <b>his</b> name or operated by <b>him</b> to be parked continuously in any fee parking space within any un-gated off-street parking facility operated by the city during the posted days and hours of operation of that facility without having paid parking fees as posted within said facility during posted days and hours of facility operation except for time necessary to make payment at the parking revenue equipment.	
5.60.052	C. It is unlawful for any person to cause or permit any vehicle registered in <b>his</b> name or operated by <b>him</b> to be removed from any gated off-street parking facility operated by the city until all fees, rates and charges have been paid and discharged, except as provided in subsections 1 and 2 below:	
5.60.053	A. It is unlawful for any person to cause or permit any vehicle registered in <b>his</b> name or operated by <b>him</b> to be parked in any parking space in an off-street parking facility operated by the city in excess of twenty-four (24) consecutive hours without that person having obtained from the parking services manager an overnight parking permit. In the event a vehicle is left parked or standing in a city parking facility for twenty-four (24) or more consecutive hours, any member of the police department of the city of San Rafael, or any city employee assigned to the enforcement of parking laws and regulations, may remove the vehicle from parking facility in the manner and subject to the requirements of the California Vehicle Code.  B. The parking services manager is authorized and directed to designate times when no	

	parking shall be allowed in off-street parking facilities operated by the city. It is unlawful for any person to cause or permit any vehicle registered in <b>his</b> name or operated by <b>him</b> to be parked in a parking space in an off-street parking facility operated by the city at times when no parking has been so designated for such facility.	
5.64.020	It is unlawful for any person to operate a motor vehicle, other than a publicly owned motor vehicle, on, over or across any fire trail, hiking trail, open space or park lands, without first securing a permit from the city manager or <b>his</b> authorized representative. A violation of this section is a misdemeanor and shall be punishable pursuant to the provisions of Section 1.12.010 of this code.	
5.64.030	In the event any person, group or organization desires in conjunction with approved use of any open space or park lands to take thereon a motor vehicle, they shall make application to, and be granted a permit by, the city manager or <b>his</b> authorized representative. The permit shall only be granted in conjunction with an authorized use of the open space and park lands owned by the city. Public utility companies may be granted a permit for the purpose of installing, maintaining or servicing their own equipment and/or facilities.	
5.64.040	Any person whose application for a permit is denied by the city manager or <b>his</b> authorized representative, may appeal such decision in writing to the city council within ten days after such denial. The city council shall thereupon conduct a hearing on the appeal at its next regular meeting. The city council's decision shall be final.	
7.08.010	(a) The mayor who shall be the <b>chairman</b> ; (b) The director of emergency services who shall be the vice <b>chairman</b> ;	
7.08.020	It shall be the duty of the city disaster council, and it is empowered, to develop and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements within the city. The council shall meet upon the call of the <b>chairman</b> , or in <b>his</b> absence from the city or inability to call such meeting, upon the call of the vice <b>chairman</b> .	
7.12.020	3. Require emergency services of any city officer or employee, and in the event of the proclamation of a "state of emergency" in the city or the existence of a "state of war emergency," to command the aid of as many citizens of this community as <b>he</b> deems necessary in the execution of <b>his</b> duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;	
7.12.020	5. Execute all of <b>his</b> ordinary powers as city manager, all of the special powers conferred upon <b>him</b> by this chapter or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred upon <b>him</b> by any statute, by any agreement approved by the city council, and by any other lawful authority.  (c) The director of emergency services shall designate the order of succession to that	

	office, to take effect in the event the director is unavailable to attend meetings and/or otherwise perform <b>his</b> duties during an emergency. Such order of succession shall be approved by the city council.	
7.16.040	(a) Wilfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon <b>him</b> by virtue of this chapter;	
8.04.020	It is unlawful for any person, either as principal, agent, employee or otherwise, knowingly to permit any house, room, apartment or place owned by <b>him</b> or under <b>his</b> charge or control, in the city, to be used in whole or in part for playing, conducting, dealing or carrying on therein any game not mentioned in Section 330 of the Penal Code of the state of California with cards, dice, billiard balls, pool balls, cues or other device, for money, checks, chips, credit or any other representative of value or for any merchandise or any other thing of value.	
8.06.030	No individual, corporation, partnership or other legal entity shall conduct a bingo game without first obtaining a license from the city manager or <b>his</b> designee.	
8.06.040	The issuing authority shall be the city manager and/or <b>his</b> designee.	
8.06.060	(6) That the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the Penal Code and this chapter, as they may be amended from time to time, and agrees that the license to conduct bingo games may be revoked by the city manager and/or <b>his</b> designee upon violation of any of such provisions;	
8.06.060	(8) Statement of consent for city manager or <b>his</b> designee to inspect any bank accounts containing profits derived from bingo games;	
8.06.110	Upon being satisfied that the applicant is fully qualified, under the law, to conduct bingo games in the city, the city manager and/or <b>his</b> designee shall issue a license to said applicant, which shall contain the following information:	
8.06.120	<p>(1) The city manager, or <b>his</b> designee, may refuse to issue a license if it is determined that the operation of a bingo game would be injurious to the health, safety and morals of the people of the city; that the apparent mode of operation of the bingo game would not be in compliance with state or federal law, or with this code; that the apparent mode of operation of the bingo game would constitute fire and life safety, or health or sanitary hazard, or would not be in compliance with building or zoning regulations, requirements and ordinances; that any person to be operating or assisting in the operation of a bingo game has been convicted within the past five years of a crime involving, but not limited to, lotteries, gambling, larceny, perjury, bribery, extortion, fraud or similar crimes involving moral turpitude; that there has been a willful misstatement of fact in an application or report filed hereunder, or a negligent failure to file any report required hereunder; or that there has been any other violation of any provision of this chapter.</p> <p>(2) If the license is approved, the city manager, or <b>his</b> designee, may include restrictions and conditions in the license deemed reasonable and necessary under the circumstances</p>	

	to ensure compliance with the purposes and intent of this chapter.	
8.06.130	(1) Whenever the city manager and/or <b>his</b> designee determines that the licensee is conducting a bingo game in violation of any of the provisions of this chapter, the city manager and/or <b>his</b> designee shall have the authority to summarily suspend the license and order the licensee to immediately cease and desist any further operation of any bingo game.	
8.06.130	(3) The order issued under subsection (a) shall also notify the licensee that it shall have five days from the date of such order to request a hearing to determine whether such license shall be revoked. Failure to request, in writing, such hearing before the city manager and/or <b>his</b> designee within said five-day period, shall result in a revocation of the license.  (4) Upon such request by the licensee, whose license has been suspended under subsection (1) for a hearing to determine whether such license shall be revoked, the city manager and/or <b>his</b> designee shall provide such hearing within ten days after receipt of such request at which hearing the suspended licensee may appear before the city manager and/or <b>his</b> designee for the purpose of presenting evidence why the license should not be revoked. No license shall be revoked under this section unless notice of the time and place of such hearing shall have first been given at least five days before the hearing thereof by depositing in the United States mail a notice directed to said suspended licensee at the address given in the application. The notice shall set forth the specific facts advanced as the basis of the suspension and proposed revocation.	
8.06.140	Whenever it appears to the city manager and/or <b>his</b> designee that the licensee is conducting bingo games in violation of any of the provisions of this chapter, or that the license was obtained by fraudulent representation and no summary suspension is ordered, under Section 8.06.150, the license may be revoked; provided, however, the licensee may appear before the city manager and/or <b>his</b> designee at the time fixed by the city manager and/or <b>his</b> designee, for the purpose of presenting evidence why the license should not be revoked. No license shall be revoked under this section unless written notice shall have first been given at least five days before the hearing thereof by depositing in the United States mail a notice directed to said licensee at the address given in the application. The notice shall set forth a summary of the grounds advanced as the basis of the revocation.	
8.06.150	(1) Any holder of a license whose license is revoked under this chapter shall have the right, within ten days after receiving notice in writing of the revocation, to file a written appeal to the city council. Such appeal shall set forth the specific ground or grounds on which it is based. The city council shall hold a hearing on the appeal within thirty days after its receipt by the city, or at a time thereafter agreed upon, and shall cause the appellant to be given at least ten days' written notice of such hearing. At the hearing the appellant or its authorized representative shall have the right to present evidence and a written or oral argument, or both, in support of <b>his</b> appeal. The determination of the city council on the appeal shall be final.	

8.08.010	It is unlawful for any minor under the age of eighteen years to remain or loiter in any public street, public square, park or any public place between the hours of eleven p.m. and daylight of the following day; provided, however, that the provisions of this section do not apply to a minor accompanied by <b>his</b> or <b>her</b> parent, guardian or other adult having the care and custody of the minor.	
8.08.030	Each owner, agent, manager, or keeper of a hotel, boardinghouse, lodginghouse, tenement house, apartment house or motor court shall immediately report to the chief of police the presence therein of any and all minors who <b>he</b> or <b>she</b> has reason to believe to be under the age of eighteen years; providing, however, that the provisions of this section do not apply when the minor or minors is or are accompanied by a parent, guardian, or other adult person having the care and custody of the minor or minors. In making the report to the office of the chief of police, the name, age, last known place of abode, the names and residences of the parents, guardians or other custodians of the minor or minors shall be stated, and shall include such other or further information as can be ascertained from the minor or minors or otherwise.	
8.08.040	It is unlawful within the city for any proprietor, keeper, clerk or any other person having charge or control of any cafe, tavern, restaurant, bar, eating place or public dance hall to permit any person under the age of eighteen years to remain in the public places enumerated in this section between the hours of eleven p.m. and daylight immediately following; provided, that the provisions of this section do not apply to a minor or minors accompanied by <b>his</b> or <b>her</b> parent, guardian, or other adult person having the care and custody of the minor.	
8.08.050	It is unlawful for any person under the age of eighteen years to operate a motor vehicle or ride in or on a motor vehicle about the public streets, alleys, avenues, parks, public squares, or any other public places between the hour of eleven p.m. and the time of sunrise of the following day when not accompanied by <b>his</b> or <b>her</b> parent or legal guardian having legal custody and control of the person, or other adult person having the care and custody of the person; provided, however, that the provisions of this section do not apply to any such person who shall be operating or riding in a motor vehicle engaged in gainful employment, or upon an emergency errand, or on legitimate business directed by <b>his</b> or <b>her</b> parent, guardian, or other adult person having the care and custody of the person. The chief of police is empowered and authorized to impound any motor vehicle which is being operated or used in violation of this chapter.	
8.12.053	(b) If the chief determines to grant the permit, <b>he</b> shall thereafter issue it only after the applicant has paid the permit fee specified in Section 8.12.051(a). (c) (1) If the chief, based upon the background investigation, makes one or more of the findings set forth in Section 8.12.053(a), <b>he</b> shall immediately notify the applicant in writing, of <b>his</b> finding(s). The chiefs notice will also advise the applicant that <b>he</b> or <b>she</b> may request a hearing before the city manager to refute the chiefs finding(s), by filing a written notice of a request for such hearing with the city manager within ten calendar days of the date of the chiefs notice. If the applicant fails to request such a hearing within	

	the requisite time period, the chief's findings shall be final and the application shall be denied based upon said findings. At the expiration of the time period for requesting such a hearing, the chief shall notify the applicant in writing, by registered or certified mail or by personal delivery, of the grounds for the denial of the permit.	
8.12.053	(3) The decision of the city manager to grant, deny or conditionally grant the permit shall be in writing and if adverse to the applicant, shall contain findings of fact and a determination of the issues presented. The city manager shall notify the applicant in writing of <b>his/her</b> decision by registered or certified mail or by personal delivery and shall serve the applicant with a copy of <b>his/her</b> decision.	
8.12.054	(e) The signature of the operator, along with a statement that <b>he</b> or <b>she</b> accepts the permit subject to its terms.	
8.12.058	<p>(b) Immediately notify the chief that the permittee is surrendering <b>his</b> or <b>her</b> permit and terminating business.</p> <p>Every permittee terminating business shall surrender <b>his</b> or <b>her</b> permit to the chief. The permit shall be held by the chief until expiration, or until the permittee reestablishes business in the city, whichever occurs first.</p> <p>It shall be a violation of this section to fail to surrender a permit as required.</p> <p>(c) Every permittee shall pay an annual business license fee as established in San Rafael Municipal Code Chapter 10.84.</p> <p>(d) Every permittee, at all times while operating under the permit issued pursuant to this chapter, shall have such permit in <b>his/her</b> immediate possession, and shall display such permit upon the demand of any customer or of any police officer of the city.</p>	
8.12.059	(4) The permittee hires or retains in <b>his</b> or <b>her</b> employment a person convicted of a felony, any offense involving the use of force or violence upon the person of another, or any offense involving theft by fraud, deceit, false pretenses or trick or device;	
8.12.180	It is unlawful for any person to make, use or have in <b>his</b> possession any slingshot or other instrument or device by which missiles of any kind or description are hurled or projected or to use the same in any manner to the danger or annoyance or injury to any property.	
8.13.050	For any construction project involving the construction of one or more new buildings or residences within the city, or when required by the planning commission or city council as part of their development review for the property, the property owner or occupant shall post a sign at all entrances to the construction site upon commencement of construction, for the purpose of informing all contractors and subcontractors, their employees, agents, <b>materialmen</b> and all other persons at the construction site, of the basic requirements of this chapter.	Change "materialmen" to "laborers"
8.13.060	A. In addition to the standard exceptions permitted pursuant to Section 8.13.050 of this	

	<p>chapter, the director of community development or <b>his</b> designee may grant a permit allowing an exception from any or all provisions of this chapter where the applicant can show that a diligent investigation of available noise abatement techniques indicates that immediate compliance with the requirements of this chapter would be impractical or unreasonable, or that no public detriment will result from the proposed exception. Any such permit shall be issued with appropriate conditions to minimize the public detriment caused by the permitted exceptions. Any such permit shall be of such duration, as approved by the director of community development or <b>his</b> designee, up to a maximum period of six (6) months, but shall be renewable upon a showing of good cause, and shall be conditioned by a schedule for compliance and details of methods therefor in appropriate cases. At the discretion of the director of community development or <b>his</b> designee, an exception permit may be issued and reissued for successive short periods of time in order to allow monitoring of the adverse noise impacts of the excepted activity, and additional conditions may be imposed upon reissuance of the permit, if the director of community development or <b>his</b> designee determines that such additional conditions are necessary to mitigate noise impacts from the excepted activity to a level <b>he</b> deems acceptable under all the circumstances.</p> <p>B. Any application for an exception permit under this section shall be accompanied by a fee to be set by resolution of the city council.</p> <p>C. Prior to granting any permit under this section, the director of community development or <b>his</b> designee shall provide at least ten (10) calendar days' written notice to all property owners within three hundred feet (300') of the property for which the application is made, and shall consider any objections to the granting of such permit received before issuance of the permit.</p> <p>D. Any person aggrieved with the decision of the director of community development or <b>his</b> designee may appeal to the city council, by writing filed with the city clerk within five (5) business days after the date of such decision; however, such decision shall not stay the effective date of the permit.</p>	
8.13.070	9. Emergency repair work performed by, or at the request of, a property owner on <b>his</b> or <b>her</b> private property, where the delay required to obtain an exception permit under this chapter would result in substantial damage, personal injuries, or property loss to the owner, provided that such emergency work shall be subject to such reasonable conditions as may be imposed by authorized city employees to mitigate the noise level of the activity.	
8.15.130	No person, business, or tobacco retailer shall locate, install, keep, maintain or use, or permit the location, installation, keeping, maintenance or use on <b>his, her or its</b> premises any vending machine for the purpose of selling or distributing any tobacco product.	Change "his, her or its" to "their"
8.15.250	2. A tobacco retailer's permit shall be suspended if the director of community development, or designee, finds, after not less than ten (10) days' notice and opportunity	

	to be heard, that the permittee or <b>his</b> or <b>her</b> agent or employee has violated any federal, state or local law governing the sale, promotion, advertisement or display of tobacco products.	
8.16.040	(a) Exposes <b>his</b> or <b>her</b> private parts or buttocks, or employs any device or covering which is intended to simulate the private parts or pubic hair of such person, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view, or while serving food or drink or both to any customer, or as an owner or employee of an encounter studio; or  (b) Permits, procures or assists any person to so expose <b>himself</b> or <b>herself</b> , or to employ any such device.	
8.38.020	It is unlawful for any firearms dealer to sell, lease or transfer firearms without a permit issued by the police chief or <b>his</b> or <b>her</b> designee.	
8.38.040	Firearms dealers must comply with California Penal Code ;s; 12071(b)(14), which provides that at any time the licensee is not open for business, the licensee shall store all firearms kept in <b>his</b> or <b>her</b> licensed place of business using one of the following methods as to each particular firearm:	
8.38.050	(a) The police chief may issue a permit to the applicant if <b>he</b> or <b>she</b> finds that the applicant complies with all applicable federal, state and local laws including but not limited to, the state Penal Code, the city Building Code, the city Fire Code, and the city zoning ordinance.	
8.38.067	(c) The decision of the police chief shall be in writing within ten days of the hearing. An applicant may appeal the decision of the police chief to the city manager or <b>his</b> or <b>her</b> designee in the manner provided by the resolution adopted by the city council which addresses this appeal process.	
8.38.080	(b) Any person found to be in violation of the provisions of this chapter shall be subject to the revocation of <b>his</b> or <b>her</b> permit to sell, lease or transfer firearms.	
9.04.030	"Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers <b>his</b> or <b>her</b> services for an employer.	
9.04.090	8. Notwithstanding anything in this section to the contrary the city manager may in <b>his</b> or <b>her</b> discretion establish a designated smoking area in any publicly owned or operated public place in any appropriate location in or on a city owned or controlled public place.	
9.04.110	A. No person, landlord, or employer shall knowingly permit smoking in an area which is under <b>his</b> or <b>her</b> legal or de facto control and in which smoking is prohibited by this chapter, unless otherwise required by state or federal law.	
9.04.110	or purposes of this section, the city manager or <b>his/her</b> designee shall be responsible for the posting of signs required in facilities owned or leased in whole or in part by the city, in such locations as may be determined by and in the sole discretion of the city manager or <b>his/her</b> designee. Notwithstanding this provision, the presence or absence of signs shall	



	not be a defense to a charge of smoking in violation of any other provision of this chapter.	
9.06.010	C. "Health officer" as referred to in this chapter means the Health Officer of Marin County, or <b>his</b> authorized representative.	
9.06.020	It is unlawful for any person to operate any food establishment within the City of San Rafael without a valid certificate issued by the county health officer or <b>his</b> authorized representative. Such certificate shall bear the date of expiration and shall be displayed prominently in the place of business for which it is issued.	
9.06.060	After the issuance of any certificate hereunder, and during the full life of such certificate, no person shall be employed in such food establishment except those whom the Health Officer shall have cleared or approved at the time of such certification, or other personnel who shall have been certificated or approved by <b>him</b> thereafter, but prior to commencing work.	
9.08.030	After the issuance of any certificate hereunder, and during the full life of such certificate, no person shall be employed in such food establishment except those whom the Health Officer shall have cleared or approved at the time of such certification, or other personnel who shall have been certificated or approved by <b>him</b> thereafter, but prior to commencing work.	
9.08.050	Whenever the owner or person having the custody or possession of the animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, such owner or person having the custody or possession of such animal shall immediately notify the health officer or <b>his</b> representative to make an inspection or examination of such animal until it shall be established to the satisfaction of said official that such animal has or has not rabies.	
9.08.070	If it shall appear to the health officer or <b>his</b> representatives upon examination of the aforesaid or otherwise, that a dog or other animal has rabies, <b>he</b> shall kill and destroy such animal forthwith.	
9.08.080	Whenever any animal shall be bitten by another animal having rabies, the owner or person having the custody or possession of the animal so bitten shall, upon being informed thereof, either kill such animal or quarantine it, and keep it confined or tied up for a period of six months, and the health officer or <b>his</b> representative shall have power, in <b>his</b> discretion, to kill or quarantine the animal so bitten, in case the owner or persons having custody or possession thereof shall fail to do so immediately, or in case the owner or persons having the custody or possession thereof is not readily accessible.	
9.24.020	(g) "Health officer" means the public health officer of Marin County or <b>his</b> authorized representative.	
9.24.100	If, after investigation, the county health officer determines that the proposed well or water well is in accordance with the terms of this chapter, and it will not be injurious to the public health, <b>he</b> shall approve the application, and issue a permit therefor. Such permits may be made subject to such conditions as the county health officer deems necessary to insure compliance with this chapter and for the protection of public health.	

9.30.030	G. "Discharge of a Pollutant" means: (a) the addition of any pollutant or combination of pollutants to waters of the United States from any point source; or (b) any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term includes additions of pollutants to waters of the United States from: surface runoff which is collected or channeled by <b>man</b> ; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.	Change "man" to "humans"
9.30.030	S. "Storm drains" includes but is not limited to those stormwater drainage conveyance facilities within the city by which stormwater may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, curbs, gutters, culverts, ditches, <b>man-made</b> channels or storm drains, which are not part of a publicly owned treatment works (POTW) as defined at 40 Code of Federal Regulations (C.F.R) 122.2, or any successor regulation.	Change "man-made" to "human-made"
9.40.030	I. "Storm drainage system" includes but is not limited to those storm water drainage conveyance facilities within the city by which storm water may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, <b>man-made</b> channels or storm drains, which are not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2. Storm drainage system also includes "storm drains" as defined in Section 9.30.030(B)(4).	Change "man-made" to "human-made"
10.04.010	G. Evidence of Doing Business. When any person shall by the use of signs, circulars, cards, telephone books or newspapers, advertise or hold out or represent that <b>he</b> is in business in the city, or when any person holds an active license or permit issued by a governmental agency indicating that <b>he</b> is in business in the city or when any person makes a sale, takes an order, renders a commercial service or performs any other similar act within the city, and such person fails to deny by a statement given under penalty of perjury to the administrator that <b>he</b> is not conducting a business in the city after being requested to do so by the administrator, then these facts shall be considered prima facie evidence that <b>he</b> is conducting a business in the city.	
10.04.010	O. "General contractor" or "subcontractor" means every person, firm or corporation conducting, managing or carrying on the business of contractor, subcontractor or builder; or engaging in the construction or repair of any buildings; or engaged in any engineering, construction, or operating whatever, or advertising as such, or representing <b>himself</b> as such, and regularly employing help for building construction, sewer construction, plumbing construction or general construction.	
10.04.010	9. As to a gasoline dealer, a portion of <b>his</b> receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under the provisions of Part 2 of Division 2 of the Revenue and Taxation Code of the state;  10. As to a retail gasoline dealer, the special motor fuel tax imposed by Section 4041 of	

	Title 26 of the United States Code if paid by the dealer or collected by <b>him</b> from the consumer or purchaser.	
10.04.020	E. Statements Not Conclusive. No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable hereunder. In the event that the administrator deems it necessary, <b>he</b> may require that a licensee or applicant for license submit a verification by as certified public accountant attesting to such financial information as may be necessary to ascertain the amount of license tax due, or at the option of the licensee or applicant, may authorize the administrator, <b>his</b> deputies, or authorized employees of the city to examine <b>his</b> records or business transactions in order that the proper license tax may be computed.	
10.04.020	4. The disclosure after the filing of a written request to that effect, to the taxpayer <b>himself</b> , or to <b>his</b> successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to the items included in the measure of any paid tax, an unpaid tax or amounts of tax required to be collected, interest and penalties; further provided, however, that the city attorney approves each such disclosure and that the administrator may refuse to make any disclosure referred to in this subdivision when in <b>his</b> opinion the public interest would suffer thereby;	
10.04.020	6. The disclosure by way of public meeting or otherwise of such information as may be necessary to the city council in order to permit it to be fully advised as to the facts when a taxpayer files a claim for refund of license taxes, or submits an offer of compromise with regard to a claim asserted against <b>him</b> by the city for license taxes, or when acting upon any other matter;	
10.04.020	2. Any licensee engaged in business, but not operating in a fixed place of business in the city, shall keep the license upon <b>his</b> person at all times while engaging in such business in the city.	
10.04.030	C. Claims for Exemptions. Any person desiring to claim exemption from the payment of a license fee and to have a free license issued to <b>him</b> shall make application therefor upon forms prescribed by the business license administrator and shall furnish such information and make such affidavits as may be required. Upon the determination being made that the applicant is entitled to exemption from the payment of license fees for any reason set forth in this chapter, the business license administrator, upon the applicant complying with the provisions of this chapter or any other ordinance of the city which may require a permit for the doing of the particular act proposed to be done, shall issue a free license to such person which shall show upon its face that the license fee is exempt.	
10.04.060	In addition to all other powers conferred upon <b>him</b> , the business license administrator shall have the power, for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty (30) days, and in such case, to waive any penalty that would otherwise have accrued; and shall have the further power, with the consent of the city manager, to compromise any claim as to amount of license fee due.	

	<p>The business license administrator shall also have the power to revoke the business license of any person, firm, corporation or business that wilfully fails to pay the license fees provided for in this chapter. In the event that any person, firm, corporation or business operates without a business license or after having had same revoked, the same constitutes a misdemeanor within the meaning of this chapter.</p>	
10.04.090	<p>It shall be the duty of the business license administrator and <b>he</b> is directed to enforce each and all provisions of this chapter, and the chief of police shall render such assistance in the enforcement hereof as may from time to time be required by the business license administrator and/or the city council.</p> <p>The business license administrator in the exercise of <b>his</b> duties and acting through <b>his</b> deputies or any duly authorized assistants shall examine or cause to be examined all places of business in the city to ascertain whether the provisions of this chapter have been complied with.</p> <p>The business license administrator and all of <b>his</b> assistants and any police officer shall have the authority to enter free of charge and at any reasonable time any place of business required to be licensed herein and demand an exhibition of its license certificate. Any person having such license in <b>his</b> possession or under <b>his</b> control who wilfully fails to exhibit the same on demand is guilty of a misdemeanor. It shall be the duty of the administrator and each of <b>his</b> assistants, to cause a complaint to be filed against any and all persons found to be violating any of said provisions.</p>	
10.04.095	<p>If any person fails to file any required statement within the time prescribed or if after demand therefor made by the administrator <b>he</b> fails to file a corrected statement, or if any person subject to the tax imposed by this title fails to apply for a license, the administrator may determine the amount of license tax due from such person by means of such information as <b>he</b> may be able to obtain and shall give written notice thereof to such person.</p>	
10.04.096	<p>Any person aggrieved by any decision of the administrator with respect to the issuance or refusal to issue such license may appeal to the council by filing a notice of appeal with the clerk of the council within fifteen days after receipt of written notice from the administrator. The council shall thereupon fix a time and place for hearing such appeal. The clerk of the council shall give notice to such person of the time and of hearing by serving it personally or by depositing it in the United States Post Office at San Rafael, California, postage prepaid, addressed to such person at <b>his</b> last known address. The council shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this title.</p>	
10.12.090	<p>The city manager may deny, approve, or approve conditionally any permit so requested, and in approving conditionally impose time limitations and any other conditions necessary to insure that such distribution will not impair or abrogate the intent and purpose of this chapter, and shall have the right to require as a condition of the issuance</p>	

	of any permit a cash or performance bond in an amount <b>he</b> deems adequate to insure compliance with the terms and conditions of said permit.	
10.16.020	Any person desiring to conduct or hold an auction sale shall make application to the tax collector as herein provided, and in such application shall state the time during each day, and the number of days, weeks or months <b>he</b> desires to hold or conduct such auction. Such applicant shall give <b>his</b> full name and the name of all persons interested in the conduct or holding of said auction, the name of the auctioneer, the residence of the applicant, place where said auction shall be held, the length of time for which said permit is desired, whether the applicant has been previously engaged in a like or similar business; if so, designating the places where <b>he</b> has previously conducted such auction sales with such information as the tax collector deems reasonable and necessary to establish the truth of each and all of such statements. There shall be attached to said application a complete inventory of all goods to be sold at said auction, and said inventory shall show whether or not said goods are owned by the applicant or are being sold by <b>him</b> on consignment, designating particularly the consigned goods. Such inventory shall give the trade, quality and kind, together with the cost price of each article. Attached to said application shall be an affidavit stating that all of the statements therein contained and in said inventory contained, are true and correct. If the applicant be a corporation, said affidavit may be made by the president, general manager, secretary or treasurer.	
10.16.040	The permittee shall not be permitted to have or sell at the auction any goods, wares or merchandise not listed or included in the inventory; provided, however, <b>he</b> may upon filing with the tax collector an additional inventory in the same form as the original inventory, be permitted to sell such additional goods, wares or merchandise as may be included therein. Additional inventories may, in the same manner and form, be filed by the permittee from time to time as desired by <b>him</b> .	
10.16.100	The tax collector, upon proof of conviction of the permittee, must revoke the license and permit under which the auction is being held, and it is thereafter unlawful for any such person whose license and permit is so revoked to hold or conduct any such auction sale unless <b>he</b> makes application and procures a new license and permit for such purpose.	
10.20.030	Every pawnbroker and secondhand dealer shall retain in <b>his</b> possession for a period of ten (10) days, all articles pawned, purchased, exchanged or otherwise taken into <b>his</b> possession. The ten-day holding period with respect to such property shall commence with the date the report of its acquisition was made to the chief of police as required by Section 10.20.050. The chief of police may for good cause, authorize prior disposition of any such property described in the report required by Section 10.20.050, or a pawnbroker or secondhand dealer, in lieu of holding the property for the prescribed ten-day period, may sell or dispose of the property; provided, <b>he</b> obtains the name, address, and description of the buyer and retains this information for a period of three (3) years as a matter of record which shall be made available for inspection by any law enforcement officer.	
10.20.060	It is unlawful for any person conducting the business of pawnbroker or secondhand	

	dealer, or any agent or employee thereof, to receive in pawn, purchase, exchange, or otherwise take into possession any property from any person who shall appear to be, or who is known to be, intoxicated, or from any minor under the age of twenty-one years; provided, however, that this prohibition shall not apply where the minor dealing with the person presents the written consent of <b>his</b> parent or guardian duly signed, authorizing the particular transaction had with the person; and provided, further, that the written consent shall be retained by the person and shall be exhibited upon demand to any peace officer requiring the same.	
10.24.020	It is unlawful for any person to erect, establish or maintain any dog kennel or pet shop as defined in this chapter without first obtaining a permit from the health officer. The granting of the permit shall be in the discretion of the health officer, who shall take into consideration the type of construction to be employed as it relates to sanitation and manner in which the animals, birds or fowl are to be housed, as well as the character of the person making application, and such zoning regulations as may be in effect. The health officer may appoint the poundkeeper as <b>his</b> agent and to act in <b>his</b> behalf in investigating applications for the permits.	
10.24.030	Upon the issuance of a pet shop or dog kennel permit by the health officer or <b>his</b> agent, the applicant shall pay to the poundkeeper an annual license fee of twenty dollars for the privilege of maintaining the dog kennel or pet shop. The annual license shall be for the fiscal year or any part thereof during which the dog kennel or pet shop shall be maintained, and shall be due and payable in advance on the first day of July of each year, and shall expire on the thirtieth day of June of the next year, provided the above mentioned permit has not been revoked.	
10.24.040	The permit for the maintenance and operation of a dog kennel or pet shop may be revoked at any time for cause when, in the opinion of the health officer or <b>his</b> agent, the dog kennel or pet shop is not being properly maintained or operated from the standpoint of sanitation of the premises or proper care of the animals, birds or fowl. Upon revocation of the permit the license issued by the poundkeeper for the then current fiscal year shall be null and void and the entire fee paid for the annual license shall be forfeit.	
10.36.010	(a) It is unlawful for any person to keep or maintain or permit to be kept or maintained in any building, place or premises owned, managed, supervised, possessed or controlled by <b>him</b> , any table or tables which are used by the public or offered for use by the public for the playing of cards, and for the use of which a fee or compensation is charged players, without first obtaining a permit from the city council so to do.	
10.36.020	A written application for permits under this chapter shall be filed with the city clerk upon forms to be provided by <b>him</b> and shall contain the following information:	
10.36.030	The council shall submit each application to the chief of police who shall inspect the tables and the premises in question and investigate the moral character of the applicant. The chief of police shall not approve any application unless <b>he</b> is satisfied that the applicant is of good moral character, and that the operation of the card room at the	

	premises proposed would not constitute a violation of any state law or ordinance of the city.	
10.36.130	6. Work Permits. No person shall be employed by the card room as an employee, nor serve as an independent agent for the card room, unless <b>he</b> or she has a valid work permit issued by the state of California. Copies of such work permits shall be available for inspection by the city's law enforcement officials during the card room's hours of operation.	
10.44.050	In the event that it appears from the certificate that the location has not been left in a neat, clean, healthy and sanitary condition, forthwith upon the filing of the certificate, the city clerk shall give written notice to the owner or management of the circus or carnival requiring <b>him</b> or it to render the location in a neat, clean, healthy and sanitary condition. The notice shall be given by depositing the same in the United States Post Office at San Rafael, California, with postage thereon prepaid and addressed to any one of the persons named in the application as owner, manager or applicant, and may be addressed to either the permanent or forwarding address given in the application or to both.	
10.48.010	G. "Solicitor," for purposes of this chapter, means any person who, for commercial purposes or causes, travels either by foot, motor vehicle, mobile unit or any other type of conveyance, from place to place taking or attempting to take orders for the sale of goods, wares, merchandise, foods, farm products, or provisions, or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, or whose activities may, in any way, result in such sale or the furnishing of such services, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether <b>he</b> is collecting advance payments on such sale or not.	
10.48.040	It shall be unlawful for a person to engage in the business or activities of peddler or itinerant merchant within the city except pursuant to and in strict compliance with a valid permit issued by the chief of police or <b>his</b> designee as provided in this chapter. It shall be unlawful for any peddler or itinerant merchant permittee to allow or tolerate any person who does not also have a peddler or itinerant merchant permit to work for or under the direction of, or on behalf of, or as an agent of the permittee. The requirements for a permit under this chapter shall be in addition to requirements of Chapter 10.04 of this code relating to business licenses.	
10.48.050	A. Permit--Application. Every application for a peddler or itinerant merchant permit under this chapter shall be made on a form provided by the chief of police or <b>his</b> designee, and shall contain the following information:	
10.48.050	8. The applicant's consent to a fingerprint check by the chief of police or <b>his</b> designee.	
10.48.060	The chief of police or <b>his</b> designee shall grant the peddler or itinerant merchant permit within ten (10) days after receiving the completed application if <b>he</b> or she finds that all of the following requirements have been met:	
10.48.070	If the chief of police or <b>his</b> designee finds that all the requirements of Section 10.48.060 have not been met, <b>he</b> or she shall deny the application for the peddler or itinerant	

	<p>merchant permit. Written notification of denial of the permit application, setting forth the grounds for denial, shall be served on the applicant by personal delivery or by first class and certified or registered mail, return receipt requested, addressed to the applicant at <b>his</b> or <b>her</b> mailing address as set forth in the permit application. Notice of denial of the application shall be deemed to have been served on the date it is personally served on the applicant or when deposited in the United States mail with postage prepaid and addressed to the applicant at <b>his</b> or <b>her</b> mailing address as set forth in the permit application, regardless whether the certified mail receipt is returned to the city signed or unsigned.</p>	
10.48.080	<p>D. Written notification of revocation of the permit, setting forth the grounds for the revocation, shall be served on the permittee by personal delivery or by first class and certified or registered mail, return receipt requested, addressed to the permittee at <b>his</b> or <b>her</b> mailing address as set forth in the permit application. Notice of revocation of the permit shall be deemed to have been served on the date it is personally served on the applicant or when deposited in the United States mail with postage prepaid and addressed to the applicant at <b>his</b> or <b>her</b> mailing address as set forth in the permit application, regardless whether the certified mail receipt is returned to the city signed or unsigned.</p>	
10.48.090	<p>Notwithstanding anything in this chapter to the contrary, the chief of police shall have the authority to require immediate cessation of peddling or itinerant merchant activities upon revocation of a permit under this section if <b>he</b> or she deems it reasonably necessary for the preservation of the public health, safety or welfare. Prior to an action to require the immediate cessation of any such business, or within twenty-four (24) hours following such action, the chief of police shall issue a written notice to the permittee setting forth in detail the basis for such action.</p>	
10.48.130	<p>A. Each peddler or itinerant merchant permit issued by the chief of police or <b>his</b> designee shall be subject to the terms and conditions set forth in this chapter, and any additional conditions deemed reasonably necessary by the chief of police for the protection of the public health, safety or welfare.</p> <p>B. The provisions of this chapter shall constitute operating regulations conditioning each and every permit hereunder. It shall be unlawful for any person to engage in a peddler or itinerant merchant business or activity in violation of these provisions.</p> <p>C. Notwithstanding anything in this chapter to the contrary, no peddler or itinerant merchant shall operate or conduct <b>his</b> or <b>her</b> business or activity in a place or manner which would unreasonably interfere with or obstruct the flow of pedestrian or motor vehicle traffic in or on any street, alley or sidewalk, or which would unreasonably obstruct vehicular sight distances.</p>	
10.48.150	<p>A. Each person who is engaged in a peddler or itinerant merchant business or activity shall, at all times while so engaged, wear in plain sight on <b>his</b> or <b>her</b> person an identification (ID) card, provided by the chief of police or <b>his</b> designee, containing such information, including a suitable photograph, as the chief of police or <b>his</b> designee may</p>	



	<p>require. The ID card shall be worn on the person's outermost garment, with the picture facing outward.</p> <p>B. Each person who is engaged in a peddler or itinerant merchant business or activity shall, at all times while so engaged, have affixed in a conspicuous place on each motor vehicle or mobile unit being used in such business or activity, an identifying placard or other identifying emblem, to be provided by the chief of police or <b>his</b> designee.</p>	
10.48.180	<p>1. Permit any motor vehicle or mobile unit from which <b>his</b> or <b>her</b> business is being conducted to remain standing or stopped, for purposes of conducting said business, at any place on a public street, sidewalk, parking lot, right-of-way, or other public place, or within five hundred feet (500') thereof, for a total period of time exceeding fifteen (15) minutes within any two (2) hour period.</p>	
10.48.180	<p>B. It shall be unlawful for any motor vehicle-based or mobile unit peddler or itinerant merchant to conduct <b>his</b> or <b>her</b> business or activity from any motor vehicle or mobile unit upon any public street except from or at the side of such motor vehicle which is nearest to the curb of such street.</p> <p>C. No motor vehicle-based or mobile unit peddler or itinerant merchant shall stop to conduct <b>his</b> or <b>her</b> business or activity from a motor vehicle or mobile unit within two hundred feet (200') of another motor vehicle-based or mobile unit peddler or itinerant merchant who has already stopped to conduct business.</p>	
10.48.190	<p>None of the fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a fee is believed by a peddler or itinerant merchant to place an undue burden on interstate commerce, <b>he</b> or she may apply to the city manager, before or up to six (6) months following payment of the fee, for an adjustment of the fee so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. The applicant shall, by affidavit and supporting evidence, show <b>his</b> or <b>her</b> method of business and the gross volume or estimated gross volume of business, and other information as required by the city manager to determine the extent of the burden on interstate commerce. The decision of the city manager may be appealed to the city council.</p>	
10.60.080	<p>A driver operating a taxicab in the city shall carry with <b>him</b> or <b>her</b> at all times proof of insurance covering that vehicle, with such policy limits and coverage as established by the JPA. Said proof of insurance must clearly identify that particular vehicle as covered.</p>	
10.60.110	<p>A. A driver shall only carry a passenger to <b>his</b> or <b>her</b> destination by the most direct and accessible route.</p>	
10.64.050	<p>All advertising displays which are placed or maintained or which exist in violation of the provisions of this chapter are public nuisances and may be removed by any authorized employee of the city of San Rafael after ten (10) days' written notice posted on said advertising display and a copy of said notice mailed to the owner thereof, if known, at <b>his</b></p>	

	last known address. Provided further however that such advertising displays as are temporary in nature because of the materials of which they are constructed or because of the nature of the copy thereon, and are placed or exist in violation of this chapter, may be summarily removed by such city employees without notice.	
10.68.030	Upon the filing of the application, the city tax collector shall make or cause to be made an examination, audit or investigation of the applicant and his affairs, in relation to the proposed sale.	
10.76.040	Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a CATV system in the city, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any public street, such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments, and other property as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, firms or corporations, including but not limited to any public utility or other grantee franchised or permitted to do business in the city.	Change "manholes" to "maintenance holes"
10.76.070	(e) Time shall be of the essence of the franchise granted hereunder. The grantee shall not be relieved of his obligation to comply promptly with any of the provisions of this chapter or by any failure of the city to prompt compliance.	
10.76.090	(d) Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein, shall be grounds for termination of the franchise, under and pursuant to the terms of Section 10.76.050 hereof; provided, however, that the council in its discretion may extend the time for the commencement and completion of construction and installation for additional periods in the event the grantee, acting in good faith, experiences delays by reason of circumstances beyond his control.	
10.76.100	(a) Any poles, wires, cable lines, conduits or other properties of the grantee to be constructed or installed in streets, shall be so constructed or installed only at such locations and in such manner as shall be approved by the city engineer acting in the exercise of his reasonable discretion. It shall be within the city engineer's discretion to require the installation of wires, cables, or conduits to be placed underground.	
10.76.130	Upon failure of the grantee to commence, pursue, or complete any work required by law or by the provisions of this chapter or by its franchise to be done in any street or other public place, within the time prescribed, and to the satisfaction of the city engineer, the city engineer may, at his option, cause such work to be done and the grantee shall pay to the city the cost thereof in the itemized amounts reported by the city engineer to the grantee within thirty days after receipt of the itemized report.	
10.76.200	(8) A financial statement prepared by a certified public accountant or person otherwise satisfactory to the council, showing applicant's financial status and his financial ability to complete the construction and installation of the proposed CATV system;	

10.76.220	<p>(b) Within thirty days after the effective date of the ordinance codified in this chapter awarding a franchise, or within such extended period of time as the council in its discretion may authorize, the grantee shall file with the city clerk <b>his</b> written acceptance, in form satisfactory to the city attorney, of the franchise, together with the bond and insurance policies required by Sections 10.76.140 and 10.76.150(a) and (b), respectively, and <b>his</b> agreement to be bound by and to comply with and to do all things required of <b>him</b> by the provisions of this chapter and the franchise. The acceptance and agreement shall be acknowledged by the grantee before a notary public, and shall in form and content be satisfactory to and approved by the city attorney.</p>	
10.76.230	<p>(d) It is unlawful for any person, firm or corporation to make or use any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this city for the purpose of enabling <b>himself</b> or others to receive any television signal, radio signal, picture, program or sound, without payment to the owner of the system.</p>	
10.76.285	<p>In those areas and portions of the city where the transmission or distribution facilities of both the public utility providing telephone service and those of the utility providing electric service are underground or hereafter may be placed underground, the grantee, immediately upon written request by the director of public works, acting in concert with such utility or utilities, shall construct or reconstruct, operate, relocate and maintain all of its transmission and distribution facilities underground, except that for new structures the builder or developer will provide and install at <b>his</b> sole cost and expense to the licensee's current specifications trenches for underground distribution, service laterals, service drop trenches to the buildings' point of entry, and backfill and restoration of trench area, conduit, vaults and pedestals, and internal wiring. Grantee's amplifiers and essential connections thereto may be in appropriate housing above the surface of the ground as approved by the director of public works. The city shall not in any manner be responsible for any costs incurred by the licensee in placing this property underground.</p> <p>To insure that cable television service is available under these provisions, the builder or developer will provide the director of public works plans for inclusion of cable television service with <b>his</b> plans for utilities including telephone, electrical service and gas service when applying for a building permit. The builder or developer will also include proof that a contractual agreement exists between the builder or developer and the licensee which is consistent with the provision of this section.</p> <p>Provided the contractor or developer has fulfilled <b>his</b> contractual commitments to grantee, the grantee shall make cable television service available to such new structure or structures within six months from the date of occupancy.</p>	
10.80.010	<p>It is unlawful for any person, either for <b>himself</b> or for any other person, firm or corporation, to manage, conduct or carry on the business of a private patrol in the city without first having obtained a permit so to do as provided in this chapter.</p>	

10.80.030	<p>Upon receipt of an application, the chief of police shall conduct such investigation as <b>he</b> may deem necessary and proper as to the character and morals of the applicant and persons financially interested in the private patrol service for which a permit is sought, and as to the proposed territory of the city, or portion thereof, within which the private patrol service is proposed to be conducted. The chief of police shall then transfer the application to the city council together with <b>his</b> recommendations as to whether or not it should be granted.</p>	
10.80.050	<p>The city manager or the chief of police or any other designee of the city manager shall hear and pass upon the application at the time appointed for the hearing. The hearing officer may deny the application if <b>he</b> finds that the applicant or any person financially interested in the operation of the private patrol business is a person of bad moral character, and for this purpose the hearing officer may consider any facts or evidence bearing on the moral fitness and reputation of those who will be in charge of such private patrol, and any other facts or evidence tending to enlighten the hearing officer in this respect.</p> <p>If the city council grants the application, the chief of police shall, after registration by the applicant, issue to the applicant a permit to operate a private patrol business within the city, shall designate therein the portion or portions of the territory of the city within which such business may be carried on, and shall specify therein such other reasonable additional requirements imposed upon applicant as are necessary to meet local needs and are not inconsistent with the provisions of the Private Investigator and Adjuster Act; provided, however, that no such permit shall be issued to any person who is not licensed under the provisions of said act. The chief of police may also, from time to time, either enlarge or restrict the portion or portions of the territory of the city within which such business may be carried on to prevent a duplication of private patrol services, or to prevent interference with public police protection. Any applicant or permittee dissatisfied at any time with the decision of the chief of police with respect to the portion or portions of territory of the city designated by <b>him</b> for the carrying on of such private patrol business, or with any permit, may appeal to the city council in the same manner and receive a hearing thereon in accordance with the same procedure hereinafter prescribed in Sections 10.80.090 and 10.80.100.</p>	
10.80.080	<p>(2) Operations. No person shall in connection with the operation of a private patrol business represent <b>himself</b>, or falsely represent another to be a member of the police department of the city, or the sheriff's office of the county, or use any sign, word, language or device calculated to induce a false or mistaken belief that <b>he</b> is acting or purporting to act on behalf of the police department of the city, or the sheriff's office of the county within the scope of any real or purported duty thereof.</p> <p>(3) Collections. No person shall in connection with the operation of a private patrol business use any sign, badge, title or designation, or make any express or implied representation calculated to induce the belief that <b>he</b> is a member of the police department</p>	

	<p>of the city, or connected therewith in any way in connection with any activity directed toward the collection of any money or debt, or the repossession, recovering, or taking of anything of value, or for any purpose of private gain whatsoever.</p> <p>(4) Badges of Private Patrol Officers. All private patrol officers shall wear such badges and uniforms and shall carry such identification cards as shall be approved by the police officers of the city, which badges and uniforms shall in no way resemble those of regular or special police officers within the city, and the chief of police shall have the right in <b>his</b> discretion to have such private patrol officers deputized for the sole purpose of carrying firearms. The chief of police shall keep a register of all such private patrol officers, and shall make and enforce such rules and regulations regarding their conduct and operation as <b>he</b> may deem advisable.</p>	
10.80.090	<p>The chief of police shall revoke any permit issued according to the provisions of this chapter when in <b>his</b> opinion the permittee is violating any of the provisions of this chapter or of the Private Investigator and Adjuster Act. In the event that any such permit is revoked by the chief of police, an appeal may be taken to the city council within thirty days after the date of the denial or revocation. If such an appeal is taken, it shall be by written notice of appeal, filed with the city clerk and served upon the chief of police by the permittee. The clerk of the city shall set a day for hearing the appeal and shall designate the time and place where such hearing is to be held. A notice of the hearing shall be given the permittee by the city clerk by mailing the same to the last known address of the applicant or permittee not less than five days prior to the date set for the hearing.</p> <p>At any such hearing, the permittee shall be given the opportunity to be heard and/or defend <b>himself</b>, and may call witnesses and present evidence in <b>his</b> behalf. The chief of police or <b>his</b> representative shall attend the hearing. Upon conclusion of such hearing, the city council shall sustain or overrule by majority vote the decision of the chief of police.</p>	
10.84.050	<p>The chief of police shall issue a permit if <b>he</b> finds that the applicant and <b>his</b> principal officers and employees are of good moral character and have a history of good business practice in this kind of activity.</p>	
10.84.080	<p>The chief of police shall act upon an application for a permit within ten days after the filing thereof. If the chief of police disapproves the application <b>he</b> shall, within five days after such disapproval, notify the applicant by mail of <b>his</b> action, stating the reasons for <b>his</b> disapproval.</p>	
10.84.090	<p>Any person whose application is disapproved by the chief of police shall have the right to appeal from such disapproval to the city council. Such appeal shall be taken by filing with the city council a notice of such appeal no later than ten days after the mailing of the notice of disapproval by the chief of police. The appeal shall be heard by the city council within fifteen days from and after the filing of the notice of appeal. After the council has heard the appeal, it may either overrule or affirm the action taken by the chief of police.</p>	

	If it overrules the chief of police, <b>he</b> shall thereupon issue the permit to the applicant.	
10.85.060	E. A place for the signature of the contractor under the statement that <b>he</b> accepts the permit subject to all the terms and provisions of this municipal ordinance.	
10.85.130	Nothing in this chapter shall restrict or prohibit the owner or operator of a vehicle from calling and selecting a towing vehicle of <b>his/her</b> own choice.	
10.90.020	N. "Permit authority" means the chief of police or <b>his</b> or <b>her</b> designee charged with the administration of this chapter.	
10.90.090	2. No massage establishment operator, employee, or visitor shall, while on the premises of a massage establishment or while performing any outcall massage service, and while in the presence of any patron, customer, employee or visitor, expose <b>his</b> or <b>her</b> genitals, buttocks, or chest.	
10.90.090	E. Display of Permit and Certifications. Each person employed or retained by a massage establishment to perform massage therapy in or on the premises or through an outcall massage service shall display on <b>his</b> or <b>her</b> person the valid current photograph-bearing identification card issued to that employee by the California Massage Therapy Council pursuant to the Massage Therapy Act. A copy of each such identification card shall also be displayed in an open and conspicuous place visible from the main entry door and/or reception and waiting area of the massage establishment. The home address of any employee need not be displayed.	
10.90.150	A. Physicians, surgeons, chiropractors, osteopaths, podiatrists, physical therapists, nurses, or any other person licensed to practice any healing art under the provisions of Division 2 (commencing with Section 500) of the business and professions code when engaging in such practice within the scope of <b>his</b> or <b>her</b> license.	
10.94.100	A. The city manager and such code enforcement officials as <b>he</b> or she may designate shall be responsible for enforcement of this chapter. The city manager is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating violations, entering the premises of any store during business hours, and imposing penalties for violations.  B. For a first violation of this chapter, the city manager or <b>his</b> or <b>her</b> designee shall issue a written warning notice to the operator of a store or to the vendor at public event that a violation has occurred and the potential penalties that will apply for future violations.	
10.100.080	2. If the tenant is absent from <b>his</b> or <b>her</b> place of residence, and from <b>his</b> or <b>her</b> usual place of business, by leaving a copy with some person of suitable age and discretion at either place and sending a copy through the mail addressed to the tenant at <b>his</b> or <b>her</b> place of residence.	
10.105.040	4. Threat of Violent Crime. Any statement made by a tenant, or at <b>his</b> or <b>her</b> request, by <b>his</b> or <b>her</b> agent to any person who is on the property that includes the unit or to the landlord, or <b>his</b> or <b>her</b> agent, threatening the commission of a crime which will result in death or great bodily injury to another person, with the specific intent that the statement	

	is to be taken as a threat, even if there is no intent of actually carrying it out, when on its face and under the circumstances in which it is made, it is so unequivocal, immediate and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for <b>his</b> or <b>her</b> own safety or for <b>his</b> or <b>her</b> immediate family's safety;	
10.105.040	2. Landlord will Move in to Dwelling Unit. Landlord, or one (1) of landlord's family members, including parents, children, brothers, sisters, aunts, uncles, nieces, and/or nephews, intends to move into and reside in the dwelling unit as <b>his</b> , <b>her</b> , or their primary residence. The dwelling unit must be occupied as the primary residence within three (3) months of the tenant household vacating the dwelling unit, and the dwelling unit must continue to be occupied as the primary residence for at least one (1) year;	
11.04.020	E. "Major continuing encroachment" means an encroachment by a property owner into the public right-of-way adjacent to <b>his</b> or <b>her</b> property, which is intended and permitted to continue for an indefinite period of time, and which serves or provides a benefit to the city or the public generally, such as, for example, the provision of off-street parking in an area where such parking is inadequate, the provision or protection of a public accessway, or the promotion of the city's economic vitality or beautification. Major continuing encroachments may include, but shall not be limited to, the following:	
11.04.030.030	A. As a condition of issuance of a permit or license pursuant to this chapter, the applicant or the contractor who is to perform the work shall secure, at its expense, a policy of broad form commercial general liability insurance naming the city as an additional insured in an amount not less than one million dollars (\$1,000,000.00) and in a form as approved by the director. The director may increase, decrease or waive the insurance requirements and/or limits set forth above in cases in which <b>he</b> determines that special circumstances justify such an increase, decrease or waiver.	
11.04.030.130	A. Whenever the director finds that a suspension of an encroachment permit or license is necessary to protect the public health or safety from imminent danger, the director may immediately suspend any such permit or license pending a hearing for remedial action or revocation. The director shall, within three (3) working days of the emergency suspension of the permit or license, notify the permittee of such suspension by written notice, personally served upon the permittee, or mailed by first class mail, postage prepaid, to the last known address of the permittee. The permittee may, within fifteen (15) days after service of such a written notice of suspension, file with the city manager a request for hearing with regard to such emergency suspension. The city manager or <b>his</b> designee shall schedule a hearing on the suspension within five (5) working days of receipt of a request for hearing.  B. If the city manager or <b>his</b> designee, after the hearing, finds that the public health or safety requires correction or alteration of any condition caused by, or existing on the site of the encroachment, <b>he</b> shall issue one or more of the following:	
11.04.030.130	C. The city manager or <b>his</b> designee shall, within ten (10) days of the hearing, render a	

	written opinion, stating the findings upon which the decision is based, and the action taken. The decision of the city manager or <b>his</b> designee shall be final.	
11.04.040.030	5. Upon the request of any person who has contracted to perform work on a public right-of-way, the permittee shall provide accurate detailed information regarding the location of <b>his</b> existing and proposed structures in the public right-of-way.	
11.04.040.040	Any person aggrieved by the director's action on a minor encroachment permit application may appeal by submitting a written appeal to the city manager, along with any applicable appeal fee as provided in the city's master fee schedule, within fifteen (15) days of the date on which the permit was issued or on which the application was denied. The city manager, or <b>his</b> designee, shall hold a hearing on the appeal within thirty (30) days of receipt of the appeal, and shall give the applicant and the appellant at least ten (10) days' written notice of the time of the hearing. The decision by the city manager or <b>his</b> designee on the appeal shall be final.	
11.04.040.080	A. Any minor encroachment permit may be suspended or revoked by the director where <b>he</b> finds that:	
11.04.040.080	B. The director shall give the permittee at least ten (10) days' written notice of a hearing before the city manager or <b>his</b> designee on the suspension or revocation of a permit issued pursuant to this chapter, setting forth the grounds for such action. The hearing shall be held within thirty (30) days after service of written notice of the hearing or at such later time as may be agreed to by the permittee. The decision of the city manager or <b>his</b> designee shall be final.	
11.04.050.040	Any person aggrieved by the director's action on an application for a revocable license agreement may appeal by submitting a written appeal to the city manager, along with any applicable appeal fee as provided in the city's master fee schedule, within fifteen (15) days of the date on which the revocable license agreement was executed or on which the application was denied. The city manager, or <b>his</b> designee, shall hold a hearing on the appeal within thirty (30) days of receipt of the appeal, and shall give the applicant and the appellant at least ten (10) days' written notice of the time of the hearing. The decision by the city manager or <b>his</b> designee on the appeal shall be final.	
11.04.050.090	A. Any revocable license agreement may be suspended or revoked by the director where <b>he</b> finds that:	
11.04.050.090	B. The director shall give the permittee at least ten (10) days' written notice of a hearing before the city manager or <b>his</b> designee on the suspension or revocation of a permit issued pursuant to this chapter, setting forth the grounds for such action. The hearing shall be held within thirty (30) days after service of written notice of the hearing or at such later time as may be agreed to by the permittee. The decision of the city manager or <b>his</b> designee shall be final.	
11.04.070.010	E. Appeal: The applicant may appeal a decision of the director on a newspaper rack encroachment permit application to the city manager in writing within ten (10) calendar days following the director's action, stating the grounds with particularity. The city	



	<p>manager or <b>his</b> or <b>her</b> designee shall schedule a hearing upon not less than ten (10) calendar days' notice to the appellant. At the hearing, the appellant shall have the opportunity to present oral and written evidence and arguments in support of the appeal. Any decision of the director of public works shall be stayed pending final decision of the city manager or <b>his</b> or <b>her</b> designee, which shall be issued in writing within ten (10) calendar days after the conclusion of the hearing. The decision of the city manager or <b>his</b> or <b>her</b> designee shall be final.</p>	
11.04.070.020	<p>B. Annual availability. The director of public works shall conduct an annual review of availability of newspaper boxes within the zone, and <b>he</b> or <b>she</b> shall provide written notification of such availability to current permittees as well as any publishers that have requested notification. The notice shall describe the location of available spaces and offer priority application to current permittees. Current permittees shall be given thirty (30) calendar days to submit applications, at which point additional applications shall be considered on a first-come, first-served basis.</p>	
11.04.070.040	<p>1. Grounds. Any newspaper rack encroachment permit may be suspended or revoked by the director where <b>he</b> or <b>she</b> finds that:</p>	
11.12.080	<p>Every person having any electrical conductor running along or through a public street shall temporarily remove the conductor, or conductors, when it is necessary in order to take down or prune any tree located in, upon or along a public street, within twenty-four hours after the service upon the owner of an electrical conductor, or <b>his</b> or its agents, of a written notice from the public works department to remove the conductor, or conductors, or the electricity therefrom.</p>	
11.12.085	<p>The provisions of Sections 11.12.030 to 11.12.080, inclusive, shall not be applicable to any employee of the city who is acting within the scope of <b>his</b> employment by the city.</p>	
11.12.090	<p>No person shall prevent, delay or interfere in the planting, pruning, spraying or removing of any tree located in, upon or along a public street, sidewalk or walkway, or in the removal of stone, cement or other substance about the trunk of any such tree, whether the said work be performed by employees of the city or by any independent contractor, or <b>his</b> employees, engaged by the city to perform such work.</p>	
11.16.250	<p>Regardless of the general law under which any work and improvement may be carried out or done or acquired, the Superintendent of Streets or other person authorized to perform <b>his</b> functions shall record a notice of completion as provided in Section 7212 of the Street Improvement Act of 1913, and the date of recording said notice shall constitute completion of the work and improvement with the provisions of this chapter.</p>	
11.24.030	<p>Prior to circulating the petition or to obtaining any names thereto, the same shall be presented to the city engineer for <b>his</b> examination and approval.</p> <p>The city engineer shall make such changes or modifications therein or thereto as <b>he</b> deems proper and no such petition shall be circulated nor any names obtained thereon or thereto unless and until the petition has been approved in writing as a whole by the city engineer.</p>	

11.28.090	(a) Every person owning, operating, leasing, occupying or renting a building or structure within a district shall perform construction and provide that portion of the service connection on his property between the facilities referred to in Section 11.28.080 and the termination facility on or within the building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.	
11.30.050	The failure to comply with any of the provisions of this section shall constitute a public nuisance which may be abated in accordance with Chapter 1.16 and the cost thereof assessed against the property. The director of public works and his authorized representatives may enter private property to abate the public nuisance.	
11.30.070	(c) Description of the work to be done, together with the materials to be used, and if the director of public works, or his representative, deems it necessary, plans prepared by a registered civil engineer;	
11.30.070	(f) Such other information, including but not limited to special tests, as the director of public works or his representative deems necessary.	
11.30.080	The applicant shall, at the time of filing his application, pay such fee as is set forth by resolution of the city council.	
11.30.090	If the director of public works, or his representative, determines after investigation that the work will not:	
11.30.090	(c) Complicate normal drainage maintenance; The director of public works shall issue a permit to do the proposed work in the manner specified in the application, or in such a manner as the director of public works may determine is required to carry out the purposes of this chapter. He may impose such terms and conditions as he may deem necessary to insure the proper maintenance of the property for flood control and drainage purposes. The permittee will assume all responsibility for the consequences of any work done or use permitted under the permit. The issuance of a permit by the director of public works shall not be construed as subjecting the city to any liability whatsoever for work done or uses permitted under the permit, nor shall the issuance of a permit be construed as relieving the permittee or owner of the property from any such liability to the extent that it may exist.	
11.30.100	Any permit required by Section 11.30.060 may be revoked by the director of public works, or his representative, if he determines the public interest and welfare require the revocation, or if there is a violation of this chapter or the terms and conditions of the permit.	
11.30.110	If it is determined by the director of public works, or his representative, that special tests, such as, but not limited to, soil tests, compaction tests, or material tests, are necessary for a proper determination to issue or deny the permit, the applicant shall furnish the city with such tests or pay to the city a sufficient amount of money to pay for the actual cost of such tests. If the applicant does not furnish the city with such tests or pay it the sum of money within ten days or such longer period of time as the director of public works	

	designates, the application shall be denied.	
11.30.130	Any person aggrieved by the action of any official of the city in the denial, suspension or revocation of any permit required by this chapter, shall have the right of appeal to the city council by filing a statement, in writing, setting forth fully the grounds of such appeal. The appeal shall be filed with the city clerk within five days after the decision of the city official to deny, suspend or revoke the permit. The council shall set a time and place for hearing the appeal and the city clerk shall promptly give notice of such hearing to the appellant and to the permittee if <b>he</b> is not the appellant. Such notice shall be in writing and shall be mailed to the appellant at the address indicated on the notice of appeal, or if no such address is indicated thereon, at <b>his</b> last known address at least five days prior to the date of the hearing. If the permittee is not the appellant, such notice shall also be mailed to the appellant at least five days prior to the date of the hearing addressed to the permittee at <b>his</b> last known address.	
11.34.010	(c) "Frontage improvements" means sidewalks, curbs, gutters, pavement, drainage facilities, driveways and utilities designed by an engineer licensed in the state and constructed in accordance with specifications on file in the office of the city engineer and approved by <b>his</b> office, the precise location of which shall be in accordance with the department of public works, as applicable to the parcel of land for which such permit is applied.	
11.34.020	(e) That the improvement requirement should be deferred due to extenuating circumstances. If the city engineer finds that improvements should be deferred, <b>he</b> shall require as a prerequisite to issuance of the permit that the owner agrees in writing to undertake the construction of the required improvements within ninety days after written notice to begin construction is mailed to the owner at the premises or such other address as <b>he</b> may from time to time furnish the city. Such agreement shall further provide that in the event of the owner's default in commencing and completing the improvements, the city may, at its option, (1) treat the agreement as a petition for installation of improvements under the provisions of Section 5870 and following of the California Streets and Highways Code, or (2) may cause the work to be done and the cost thereof assessed as a lien against the owner's property. Such agreement shall also run with the land and shall be recorded to constitute notice to prospective purchasers or encumbrancers.	
11.36.070	Where a valid building permit has not been issued, the posting of a cash or surety bond, as a condition of issuing a demolition permit may be required. The cash or surety bond shall be posted with the city clerk of San Rafael, by the applicant as principal, and the city as obligee and shall be in an amount to be determined by the city engineer of San Rafael, but shall not be less than one thousand dollars (\$1,000.00). The bond shall be conditioned that the principal will strictly comply with all requirements of this chapter and any ordinance hereafter in effect regulating the demolition of buildings or structures in the city; that the principal will pay for any and all damages to any fence, tree, pavement, street, sidewalk, sign or any other property belonging to the city, resulting from the	

	demolition by <b>him</b> ; and that the principal will indemnify and keep harmless the city against any and all damages, judgments, cost and expense which may, in any way, accrue against the city in consequence of the granting to <b>him</b> or exercise by <b>him</b> of any permit hereunder.	
11.38.050	Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the code enforcement officer and/or any designated police department employee. In the enforcement of this chapter such officer and <b>his</b> deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle (and to remove or cause the removal of a vehicle or parts thereof) declared to be a nuisance pursuant to this chapter.	
11.38.100	<p>Upon request by the owner of the vehicle or owner of the land received by the code enforcement officer within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the city manager, or <b>his</b> designated representative, on the question of abatement and removal of the vehicle, or parts thereof, as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle, or parts thereof, against the property on which it is located.</p> <p>If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on <b>his</b> land within such ten-day period, the statement shall be construed as a request for a hearing which does not require <b>his</b> presence. Notice of the hearing shall be mailed, by registered mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without holding a public hearing.</p>	
11.38.110	<p>All hearings under this chapter shall be held before the city manager or <b>his</b> designated representative, who shall hear all facts and testimony <b>he</b> deems pertinent. The facts and testimony may include testimony on the condition of the vehicle, or parts thereof, and the circumstances concerning its location on the private property or public property. The city manager, or <b>his</b> designated representative shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with <b>his</b> reasons for such denial.</p> <p>The city manager, or <b>his</b> designated representative, may impose such conditions and take such other action as <b>he</b> deems appropriate under the circumstances to carry out the purposes of this chapter. <b>He</b> may delay the time for removal of the vehicle, or parts thereof, if in <b>his</b> opinion the circumstances justify it. At the conclusion of the public hearing, the city manager or <b>his</b> designated representative may find that a vehicle, or parts</p>	

	<p>thereof, has been abandoned, wrecked, dismantled or is inoperable on private or public property and order the same removed from the property as a public nuisance, and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include identification number and license number of the vehicle, if available at the site.</p> <p>If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that <b>he</b> has not subsequently acquiesced in its presence, the city manager, or <b>his</b> designated representative, shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of land.</p> <p>If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on <b>his</b> land but does not appear, or if an interested party makes a written presentation to the city manger, or <b>his</b> designated representative but does not appear, <b>he</b> shall be notified in writing of the decision.</p>	
11.38.120	Any interested party may appeal the decision of the city manager, or <b>his</b> designated representative by filing a written notice of appeal with the city manager, or <b>his</b> designated representative, within five (5) days after <b>his</b> decision.	
11.38.170	(B) An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of the vehicle to a purchaser may overcome the presumption prescribed in subsection (A) of this section by demonstrating that <b>he</b> or <b>she</b> has complied with Section 5900 of the Vehicle Code or providing other proof satisfactory to the court.	
11.40.120	Whenever necessary to make an inspection to enforce any of the provisions of this title, or whenever the director of public works or <b>his</b> authorized representative has reasonable cause to believe that there exists in any building or premises any condition which makes such building or premises an immediate threat to health and safety, the director of public works, or <b>his</b> authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the director of public works by this code; provided, that if such building or premises be occupied <b>he</b> shall first present proper credentials and demand entry; and if such building or premises is unoccupied <b>he</b> shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused the director of public works, or <b>his</b> authorized representative, shall have recourse to the provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the state of California.	
11.50.180	3. Guarantee. The contractor shall unconditionally guarantee all materials and <b>workmanship</b> for a period of one (1) year following the notice of completion.	Change "workmanship" to "skilled work"
11.60.010	A. "Director" shall mean the director of the department of public works or <b>his</b> or <b>her</b> designee.	

11.60.040	A. When any portion of a sidewalk is not in good repair and condition and the director has knowledge thereof, <b>he</b> or <b>she</b> will notify the adjacent and/or fronting property owner to repair it. Notice shall be written and given by mailing, either by letter or postal card, to the property owner's last known address as it appears on the last equalized assessment rolls of the City of San Rafael.	
11.70.050	D. Notwithstanding subsection A, above, streetaries shall not be permitted in parking spaces that (1) are ADA designated, (2) are adjacent to curbs designated for no parking (red curb), passenger loading zones (white curb), commercial loading zones (yellow curb), limited parking zones (green) and/or any other colored curb zones with restrictions, (3) would block or obstruct any fire hydrant, fire department sprinkler or standpipe hose, or other public safety infrastructure, (4) would obstruct utility access panels, <b>manhole</b> covers, storm drains, street valves, or any other type of utility assets, or (5) would obstruct any bicycle facility.	Change “manhole” to “maintenance hole”
11.70.060	F. Utilities. A minimum clearance of four feet (4') from either side of utility access panels, <b>manhole</b> covers, storm drains, street valves, or any other type of utility assets will be required to allow for maintenance access. Streetaries proposed under overhead utility lines shall meet the minimum vertical distance requirements as established by the California Public Utility Commission. Streetaries that block the outlet of a sidewalk underdrain shall ensure the outlet is functional and flowing. Permittees shall take a thorough inventory of utility access covers in the proposed streetary area by checking under parked cars. Permittees shall provide for access to any city or public utility company that may have underground conduits beneath the constructed streetary. Access to utilities may require that a permittee temporarily remove all or a portion of the constructed streetary. Permittees shall be responsible for the cost of removing, re-installing and restoring any damage to the streetary.	Change “manhole” to “maintenance hole”
12.100.040	Wherever the terms, "building official," "code official," "administrative authority," "chief building inspector," "chief electrical inspector," "building inspector," "authority having jurisdiction" and other similar terms that appear in the SRMC, or in those codes therein adopted by reference, they shall mean the "chief building official," or <b>his</b> designated representative.	
12.103.020	The building official shall be appointed by the city council upon recommendation of the city manager and shall serve at the pleasure of the council in the unclassified service of the city. The building official has such powers and shall perform such duties as are conferred upon <b>him</b> by the provisions of the California Code or as may be assigned by the city council.	
12.105.050	Exceptions: If the building official is satisfied with proof from the applicant of <b>his</b> active military service that prevented timely completion of the authorized work, the building official may grant a one-time extension for a reasonable period of time not to exceed 2 years at no cost to the applicant. If the authorized work is not completed within this extension of time, a renewal of the original permit, if possible hereunder, or a new permit will be required pursuant to the provisions of this code.	

12.110.060	Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or <b>his</b> or <b>her</b> agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.	
12.300.040	It shall be the duty of the building official or <b>his</b> designee to decide on a number and assign addressing in conformance with this code and the recognized standards of the city. Whenever the building official has knowledge of any violation of this chapter, the building official may notify and direct the property owner to correct the violation within thirty (30) days. If the owner cannot be located, the agent or occupant of the premises where said violation occurs shall be notified. If after thirty (30) days the complaint has not been corrected, the building official may act to enforce this chapter.	
12.310.030	Every owner of an apartment or hotel located within the City of San Rafael shall permit the city's periodic inspection of the apartment and hotel, and the property on which such apartment or hotel is located, following notice from the city. The community development director, or <b>his</b> or <b>her</b> designee, shall cause each apartment and hotel to be inspected by the city's code enforcement officials once every five (5) years, or more frequently as needed, to ensure compliance with all applicable city ordinances or other laws relating to such housing, including the substandard housing provisions of this code.	
12.310.060	The community development director, or <b>his</b> or <b>her</b> designee, shall give a minimum of five (5) business days advance written notice of the date and time of the periodic inspection to the owner of the apartment or hotel and to the occupants thereof. Such notice shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the owner of the apartment or hotel shall be mailed by first class mail to the owner's last known address as it appears in the records of the county assessor. Notice shall be given to the occupants of the apartment or hotel by posting an official notice of such inspection in a public area on the premises of such apartment or hotel.	
12.310.120	Prior to recording a lien for unpaid annual housing inspection fees against a property, the community development director, or <b>his</b> or <b>her</b> designee, shall prepare and file with the city clerk a report identifying the property, the owner, and the amount of a proposed housing inspection fee lien to cover such unpaid fees.	
12.320.060	<p>1. Upon receipt of a complete application that meets the requirements of the approved checklist and standard plan, the building official or <b>his</b> designee shall issue a building permit or other nondiscretionary permit the same day or the next day, for an application submitted over-the-counter, or within three (3) business days for applications that have been filed electronically.</p> <p>2. Review of the application shall be limited to review by the building official or <b>his</b></p>	

	designee to determine if the application: 1) meets all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, and all state and city health and safety standards; and 2) contains all information requested in the applicable standard plan and checklist.	
12.320.060	4. The building official may require an applicant to apply for an administrative use permit if <b>he/she</b> finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the city planning commission.	
12.320.060	6. If a use permit is required, the community development director or <b>his/her</b> designee may deny an application for the use permit if <b>he/she</b> makes written findings, based upon substantive evidence in the record that: 1) the proposed installation would have a specific, adverse impact upon public health or safety; and 2) there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. The community development director's decisions may be appealed to the city planning commission.	
12.325.050	Before a house mover's permit may be issued hereunder, the house mover shall have filed with the city clerk a bond approved by the city attorney in favor of the city in the sum of one thousand dollars (\$1,000.00), executed by a responsible surety company conditioned that the principal will strictly comply with all requirements of this chapter and any ordinance hereafter in effect regulating the moving of buildings or structures in said city; that the principal sum will pay for any and all damages to any fence, tree, pavement, street or sidewalk or any other property belonging to the city resulting from the moving of any house or structure by <b>him</b> , that the principal sum shall be forfeited to the city if the permittee fails to comply with all conditions and regulations of the granting of such permit by the building official and that the principal will indemnify and keep harmless said city against any and all damages, judgments, costs and expense which may in any wise accrue against the city in consequence of the granting to <b>him</b> or exercise by <b>him</b> of any permit hereunder; which bond shall operate as a continuing bond for the purpose of this chapter for a term of two (2) years from and after the date thereof.	
12.325.130.3	If a cash bond has been posted, notice of default as provided above shall be given to the principal and if compliance is not had within the time specified, the building department may proceed without further notice of proceedings whatever, to use the cash deposit to cause the required work to be done, by contractor or otherwise in the discretion of the department. The balance, if any of such cash deposit shall, upon the completion of the work be returned to the depositor or to <b>his</b> successors or assigns.	
12.325.130.4	The term of each bond posted pursuant to this section shall begin upon the date of the posting thereof and shall end upon the completion, to the satisfaction of the building official of the performance of all the terms and conditions of the relocation permit. Such completion shall be evidenced by a statement thereof, signed by the building official, a copy of which will be sent to any surety or principal upon request. When a cash bond has	



	been posted, the cash shall be returned to the depositor, or to <b>his</b> successors or assigns, upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere in this section provided.	
12.325.130.5	The building official or other department of the city, the surety and the duly authorized representatives of either shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work. In the event of any default in the performance of any term or condition of the relocation permit, the surety, or any person employed or engaged on its behalf, the building department, or any person employed or engaged on its behalf shall have the right to go upon the premises to complete the required work or to remove or demolish the building or structure. It is unlawful for the owner, or <b>his</b> representatives, successors or assigns, or any other person to interfere with or obstruct the ingress or egress to or from any such premises of any authorized representative or agent of any surety, or the city engaged in the work of completing, demolishing or removing any building or structure for which a relocation permit has been issued, after a default has occurred in the performance of the terms or conditions thereof.	
12.335.090	The report results and/or findings may be appealed to the community development director by the owner or <b>his</b> or <b>her</b> authorized representative. All appeals must be filed in writing with the community development department within five (5) working days of the date of issuance of the report and accompanied by an appeal fee as set forth and adopted in the city's master fee schedule. The community development director shall review and render a written determination on the appeal within ten (10) working days of the filing date of the appeal.	
12.340.020	The building official, or <b>his</b> authorized representative, shall create and maintain a list of the existing unreinforced masonry buildings in the city. This list shall be kept current and additions and deletions of buildings from this list shall be made at any time changes in building status are determined.	
12.340.050	Should a property owner wish to strengthen <b>his</b> building beyond the requirements of this section, such additional work shall comply with the requirements of subsection (d) of this section.	
13.20.050	(a) In case the applicant or any other person is not satisfied with the action of the Planning Commission <b>he</b> may within five days appeal in writing to the City Council.	
14.03.030	"Storm drainage system" includes but is not limited to those storm water drainage conveyance facilities within the city by which storm water may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, <b>man-made</b> channels or storm drains, which are not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2. Storm drainage system also includes "storm drains" as defined in Section 9.30.030(B)(4).	human-made
14.03.030	"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population (i.e., adults with low-income having one (1) or more disabilities	

	including mental illness, HIV or AIDS, substance abuse or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act Division 4.5, commencing with Section 4500 of the Welfare and Institutions Code and may include, among other populations, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting institutional settings, veterans, or homeless people) and that is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.	
14.16.279	D. Relocation Payment to Tenant of Record. No later than thirty (30) days prior to the date the tenant of record is displaced, the property owner shall provide the following to each displaced tenant of record who demonstrates that his or her household qualifies as a low-income household:	
14.19.043	A. Community Development Director. The community development director or his or her designee has the authority to:	
14.19.048	A. Sign Permit, Administrative Approval. Following review of a sign permit application for compliance with the provisions of this chapter and other applicable approvals, the community development director, or his or her designee, shall render a decision on the application. A decision on a sign permit application may be rendered without notice to surrounding property owners.	
15.02.140	(3) A certificate by the registered civil engineer or licensed surveyor responsible for the survey and final map (engineer's certificate). The signature of such civil engineer or surveyor, unless accompanied by his/her seal, must be acknowledged and a certificate of acknowledgement affixed.	
15.02.140	(b) Prior to the filing of the final map with the city, the subdivider shall file with the Marin County clerk's office, a certificate from the official computing redemptions in Marin County and the city of San Rafael, showing that according to the records of his/her office, there are no liens against the subdivision or any part thereof for unpaid state, county, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable. As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the Marin County clerk's office, a certificate by the appropriate state or local official giving his/her estimate of the amount of taxes and assessments, which are a lien but which are not yet payable.	
15.04.030	(1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance (Title 14) in existence at that time, that inconsistency shall be noted on the map. The city shall deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If approved or conditionally approved, the vesting tentative map shall, notwithstanding Subsection (a)(1) of Section 15.04.030, confer the vested right to proceed with the	

	development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.	
15.04.030	(e) Applications Inconsistent with Current Policies. Notwithstanding any provision of this chapter, a property owner or <b>his</b> or <b>her</b> designee, or subdivider may seek approvals or permits for development which depart from the ordinances, policies, and standards described in subsection (d)(1) of Section 15.04.030 and the city may grant these approvals or issue these permits to the extent that the departures are authorized under the applicable laws.	
15.09.080	If during the ensuing time between dedication of land for park purposes and commencement of first-stage development, circumstances arise which indicate that another site would be more suitable for local park or recreation purposes serving the subdivision and the neighborhood (such as receipt of a gift of additional park land or a change in school location), the land may be sold upon the approval of the city council, with the resultant funds being used for purchase of a more suitable park site. Should the city decide to dispose of the property, the subdivider or <b>his</b> successor shall have a right of first refusal to purchase the property at fair market value.	
15.11.100	(c) Improvement of Unimproved Streets. Whenever a proposed subdivision, or a proposed additional unit of an existing subdivision, or any part thereof, does, or will, front on a public street which has not been improved to the standards required by this title, the subdivider shall, at <b>his</b> own expense and to the standards required by this title, improve to its full width, or such part less than its full width as the planning commission determines, the portion of the street upon which the frontage does, or will exist, if the planning commission, from a consideration of the proposed subdivision, or the additional units, the present and future development of the general area, present and potential population factors affecting the subdivision or additional unit and the neighborhood generally, increased traffic, safety and other needs of the proposed subdivision or additional unit, and the welfare of the inhabitants thereof and in the general neighborhood, finds that the improvement of the portion of the street, in accordance herewith, as a condition precedent to the approval of any map required by this title of the subdivision, or additional unit, is reasonably required for the protection of the public health, safety and general welfare.	
15.12.050	(6) Each buyer shall sign an acknowledgement stating <b>he</b> or <b>she</b> has read the articles of incorporation, the bylaws of the property owners' association and the conditions, covenants and restrictions applying to the development.	
15.16.020	(a) Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division of land, in violation of the provisions of this title or the Subdivision Map Act, is voidable at the sole option of the grantee, buyer or person contracting to purchase, any heir, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation. The deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and	

	upon the grantor, vendor or person contracting to sell, or his/her assignee, heir or devisee.	
15.17.020	(d) Approval by the city engineer shall be in the form of his or her signature on the certificate of correction or on the face of the amended map. Upon approval, the city engineer shall have cause to file it with the Marin County recorder's office.	
17.10.020	(3) Any structure, fill or excavation which the director of public works or his designee ("director") finds to be minor or incidental, including repair or replacement in kind of an existing structure or structures not requiring any new fill or excavation;	
17.10.040	(a) If the application includes only a structure and/or if the proposed fill or excavation covers less than one (1) acre, the director of public works or his designee ("director"), shall approve, conditionally approve or deny the application within ninety (90) days after the date the application is deemed complete, unless a later date is agreed to by the applicant.	
17.10.040	(c) The director shall consider, in arriving at his decision, applicable regional and state plans for tidal waterways and the criteria, standards, and policies developed by agencies administering such regional and state plans, applicable CEQA requirements, and any written comments submitted by interested parties.	
17.10.040	(6) Expiration and Extension of Tidelands Permits. A tidelands permit shall expire one (1) year from the effective date of the approval, unless a different expiration date is stipulated at the time of approval. Prior to the expiration of such a permit, the applicant may apply to the department of public works for an extension. The director may make minor modifications of the permit at the time of extension if he finds that there had been a substantial change in the circumstances surrounding the original approval. Extensions may be granted for a period of no more than one (1) year from the time of expiration of the original permit. If a building permit or excavation permit was issued during the effective life of a tidelands permit the expiration date of the tidelands permit shall be automatically extended to concur with the expiration date of the building permit or excavation permit.	
17.40.050	(a) Any vessel owner, operator, or occupant who uses city waters for more than seven (7) days within any thirty (30) day period beginning on or after the effective date of this chapter shall obtain an inspection of his or her vessel by either the Coast Guard Auxiliary, the Marin Sail and Power Squadron, a marine surveyor, or other qualified marine expert, to certify that the vessel is in compliance with the provisions of this chapter and state and federal laws regarding marine sanitation devices, and that any through-hull overboard discharge valve is secured, unless the installed marine sanitation device is a "Type I" or "Type II" device approved for discharge through hull.	
18.20.010	"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.	human-made
18.20.010	"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert	human-made

	the flow of water so as to provide protection from temporary flooding.	
18.30.060	The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by <b>man-made</b> or natural causes. This title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This title shall not create liability on the part of city, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this title or any administrative decision lawfully made hereunder.	Change “man-made” to “human-made”
18.50.070	E. <b>Man-made</b> alteration of sand dunes which would increase potential flood damage is prohibited.	Change “man-made” to “human-made”
19.10.030	(1) The city manager or <b>his</b> designated representative shall be responsible for the administration and management of open space areas and facilities under the jurisdiction of the city.	
19.10.060	(22) Horseback Riding, Hiking. No person shall drive, ride, lead or keep a horse or other animal in or on open space property except on such roads or trails or other areas so designated. No horse or other animal shall be hitched, leashed or tied to any tree, shrub, or structure in any manner that might cause damage thereto. No person shall ride any animal in a manner that might endanger life or limb of any person or animal, and no person shall allow <b>his</b> animal to be left unattended or insecurely tied.	
19.20.080	E. Swimming and Boats. No person shall swim, wade, float, dive or otherwise enter any fountain, pond, lake, stream or other water feature, natural or <b>man-made</b> , in any park or building except in those areas so designated by city for such swimming, wading, floating or diving.	human-made
20.04.020	F. "Filing" means actual receipt of the item being filed by the person designated in this chapter to receive the item, or by <b>his</b> or <b>her</b> designee.	
20.08.030	After the calculations showing the amount of anticipated increase and how the increase was determined has been approved and reviewed by the city manager or <b>his</b> or <b>her</b> designee, said calculations and method determining the increase shall both be posted in the park office or office area where it can easily be seen by the homeowners and a declaration of posting shall be forwarded to the city manager's office within five (5) days thereafter.	
20.16.040	If any owner or operator demands, accepts, receives, or retains any payment of rent in excess of the maximum lawful lot rent, as determined under this title, the homeowners of such park affected by such violation, individually or by class action, may seek relief in a court of appropriate jurisdiction for injunctive relief and/or damages. In any such court proceeding, the prevailing party shall be awarded <b>his</b> reasonable attorney's fees and the court, in its discretion and in addition to any other relief granted or damages awarded, shall be empowered to award to each affected homeowner civil damages in the sum of	

	<p>not more than three (3) times the total monthly lot rent demanded by the operator from each such homeowner.</p> <p>If any owner demands, accepts, receives or retains any payment of rent in excess of the maximum lawful lot rent, as determined under this title, the operators of such park affected by such violation, individually or by class action, may seek relief in a court of appropriate jurisdiction for injunctive relief and/or damages. In any such court proceeding, the prevailing party shall be awarded his reasonable attorney's fees and the court, in its discretion and in addition to any other relief granted or damages awarded, shall be empowered to award to each affected operator civil damages in the sum of not more than three (3) times the total monthly lot rent demanded by the owner from each such operator.</p>	
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