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CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING MUNICIPAL CODE CHAPTER 8.24 – SMOKING POLLUTION

WHEREAS, the City Council of the City of Hughson previously added Chapter 8.24 to the Hughson Municipal Code, pertaining to smoking pollution and prohibiting smoking in certain areas of the City in order to protect the health of the public; and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke does occur at significant levels outdoors; and

WHEREAS, cigarette butts are a major and persistent source of litter and can pose a health threat to young children; and

WHEREAS, creating smoke-free areas helps protect the health of the approximately 86.7% of Californians who are non-smokers; and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions; and

WHEREAS, smoking is currently not prohibited in City of Hughson’s public parks and other areas that the public use for physical activities including exercising, sporting events, and for play; and

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging smoking and tobacco use around park users, especially children; by protecting the public from exposure to secondhand smoke where they play, exercise, and relax; by protecting the environment from tobacco-related litter; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle; and by affirming and promoting a healthy environment in and around the City’s recreational areas.

WHEREAS, there has been the introduction of electronic smoking devices such as e-cigarettes that still produce vapor that could be annoying and harmful to the public; and

WHEREAS, the City of Hughson desires to amend its municipal code to add electronic smoking and vapor devices to its definition of Smoking as well as add outdoor public recreation areas to those areas where smoking is prohibited.
NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1. The definition of "Smoking" in Chapter 8.24.020 amended to read as follows:

"Smoking" means lighting, inhaling, exhaling or burning any pipe, cigar, cigarette, weed or plant, tobacco, nicotine product, gases, particles, or vapors, or carrying any lighted pipe, lighted cigar, lighted cigarette, lighted marijuana, lighted plant, electrical ignition or vaporization device used primarily for human inhalation, or other ignited combustible substance in any manner or in any form, including, but not limited to, electronic cigarettes, hookah pipe."

Section 2. Chapter 8.24.020 amended to add the following definition to read as follows:

"Recreational Area" means any outdoor area that is publicly owned or operated by the City of Hughson and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "Recreational Area" includes, but is not limited to existing or future parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pools, roller- and ice-skating rinks, and skateboard parks. Recreational Areas shall also include any parking lot or other designated parking areas for vehicles of persons accessing and using a Recreational Area."

Section 3. Chapter 8.24.040 amended to add subdivision R to read as follows:

"R. Recreational Areas."

Section 4. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.
Section 6. This ordinance shall become effective thirty (30) days after its final passage.

Section 7. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on April 13, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of Mayor Beekman, seconded by Councilmember Silva, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on April 27, 2015, by the following vote:

AYES: Mayor BEEKMAN, SILVA, and HILL

NOES: NONE

ABSTENTIONS: NONE

ABSENT: Mayor Pro Tem YOUNG and CARR

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk
CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015 - 02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING MUNICIPAL CODE CHAPTER 2.20 – EMERGENCY SERVICES

WHEREAS, the City Council of the City of Hughson previously added
Chapter 2.20 in 2009 to the Hughson Municipal Code, pertaining to the provision of
emergency services in coordination with the emergency services structure known
as the Stanislaus County City/County Disaster Council established to comply with
the California Emergency Services Act (“Act”) in Government Code Sections 8550
et. seq.; and

WHEREAS, Stanislaus County (“County”) is revising the emergency
services structure establishing a new Civil Defense and Disaster Council (“Disaster
Council”) by amending County Ordinance Chapter 2.52 and has requested each
city member to amend its ordinances to conform to the Disaster Council structure;
and

WHEREAS, the City of Hughson desires to amend Chapter 2.20 of its
Municipal Code to conform to the Disaster Council structure.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FOLLOWS:

Section 1. Ordinance 2009-08, Section 2 2009, adding Chapter 2.20 of
the Hughson Municipal Code (“HMC”), is hereby repealed. Provided, that it is the
intent of the City Council in enacting this ordinance that it shall be considered a
revision and continuation of the ordinance repealed by this ordinance, and the
status of volunteers shall not be affected by such repeal; nor shall plans and
agreements, rules and regulations, or resolutions adopted pursuant to such
repealed ordinance be affected by such repeal until amended, modified, or
superseded as provided in this ordinance.

Section 2. Chapter 2.20 is hereby added to the HMC to read as follows:

"Chapter 2.20 EMERGENCY SERVICES

2.20.010 Purpose.
The declared purpose of this chapter is to comply with the California
Emergency Services Act (Government Code §§ 8550 et seq.) by providing for the
preparation and carrying out of plans for the protection of persons and property
within this county in the event of an emergency, the direction of the emergency
organization, and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons.

2.20.020 Explanation of regional structure.
A. Disaster Council. The Stanislaus Disaster Council has been created by the County of Stanislaus with representatives from area communities, including the City of Hughson. The Stanislaus Disaster Council consisting of the following members:
   1. The Director of Emergency Services, who shall be chair of the Disaster Council;
   2. A member of the board of supervisors, who shall be vice chair;
   3. The Assistant Director of Emergency Services, who shall be secretary;
   4. One elected official from each city in Stanislaus County. The County and each city may select an alternate to attend meetings and to act on its behalf in the event the elected official is unavailable. Said alternate need not be an elected official, so long as the alternate has been appointed by that entity’s governing body.
B. Disaster Council Powers and Duties. The Disaster Council shall have power to:
   1. Oversee the preparedness activities of the various county departments and other jurisdictions in the Stanislaus County Operational Area. This includes preparation of emergency and disaster plans, policies and procedures, and ensuring unity of purpose. The Disaster Council will be responsible to ensure compliance with the National Incident Management System, the Standardized Emergency Management System and the Incident Command System.
   2. Approve as to form all proposed emergency operations procedures, plans and other documents related to emergency preparedness and planning.
   3. Hear proposals from any agency, department or interested party in emergency and disaster preparedness. Prior to any formal action, the proposal shall have the approval of the Operational Area Council for operational and procedural conformity with the Stanislaus County emergency operations plan, policies, and procedures.
   4. Be required to have a majority of the members present for approval and/or review of any plan, policies or issues and a simple majority vote will carry the recommended action. Thereafter, the recommended action will be forwarded to the appropriate board, council, commission, or executive representative.
   5. Sit as the Disaster Council for any jurisdiction that deems it appropriate by resolution and local ordinance.
   6. Administer a disaster service worker volunteer program, pursuant to California Code of Regulations, Title 19, sections 2570 et seq.
7. The Disaster Council does not have operational duties or powers during emergencies, disasters or other events or incidents.

C. Operational Area Council. The Stanislaus Operational Area Council is created under the authority of Government Code Article 9, Section 8605, and shall consist of the assistant director of emergency services and Joint Powers Agreement (JPA) members that represent each city within Stanislaus County. Generally, the JPA member will be the emergency manager from his/her jurisdiction. The Operational Area Council will:

1. Coordinate, review, and recommend for approval all emergency or disaster response policies, procedures, plans, and other influencing factors or events that would affect the Stanislaus Operational Area.

2. Review all disaster plans by any agency or jurisdiction in Stanislaus County for approval as to form and compliance with the National Incident Management System, the Standardized Emergency Management System and the Incident Command System. After review of the proposed plans, policies and procedures, relating to emergency management, the Operational Area Council will then make its recommendation to the Disaster Council.

3. Be the lead agency for the multi-agency emergency operations center management team and the multi-agency incident management team(s).

4. Foster an effective flow of disaster information and emergency preparedness on a day-to-day basis through training, exercises, uniformity in planning, and response plans and policies.

5. Appoint task forces and/or specialist groups for specific detailed work that requires the focus of technical experts to develop plans, policies and procedures for the Stanislaus Operational Area.

6. The Operational Area Council does not have operational duties or powers during an event or emergency and is created to serve in the preparedness and planning phases only.

D. Meetings.

1. The Disaster Council shall meet at least annually and as often as may be deemed necessary. The Disaster Council will operate under the Brown Act for open meetings applicable to local legislative bodies.

2. The Operational Area Council shall meet quarterly or upon call of the assistant director of emergency services.

E. State of war, state of emergency or local emergency. During a "state of war," "state of emergency" or "local emergency," the chair of the Disaster Council, or the director of emergency services may call upon the Disaster Council to meet with the emergency operations center policy group to act as an advisory group on issues as determined by the director of emergency services or the Disaster Council chair.

F. Plan and agreement preparation. It shall be the duty of the Disaster Council to review and recommend for adoption by the board of supervisors, emergency
plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.

2.20.030 Definitions.
The following definitions shall apply to this chapter.

A. “Emergency” means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this county caused by such conditions as fire, flood, storm, epidemic, riot or earthquake, domestic terrorism, or other conditions including conditions resulting from war or imminent war, but other than conditions resulting from labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this county, requiring the combined forces of other political subdivisions to combat.

B. “Local emergency” means the duly proclaimed existence of an emergency within the territorial limits of this city.

C. “State of emergency” means the duly proclaimed existence of an emergency other than a local emergency.

D. “State of war emergency” means a duly proclaimed state of war emergency by the Governor whenever California or the nation is attacked by an enemy of the United States, or upon receipt by California of a warning from the federal government indicating that such an enemy attack is probable or imminent. The powers of the Governor granted under a state of war emergency are commensurate with those granted under a state of emergency.

2.20.040 Emergency organization.
All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city.

2.20.050 Expenditures.
Any expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city.

2.20.060 Appointment to Disaster Council.
Annually, the Mayor, subject to the approval of the city council, shall appoint an elected officer to serve on the Disaster Council and may appoint an alternate who need not be an elected officer to attend meetings and to act on its behalf in the event the appointed elected official is unavailable.
2.20.070 Director and assistant director of emergency services.

A. There is hereby created the office of director of emergency services. The city manager shall be the director of emergency services.
B. There is hereby created the office of assistant director of emergency services. The administrative services director shall be the assistant director of emergency services and designated as the city’s emergency manager.

2.20.080 Director—Powers and Duties.

The director is empowered to:
A. Request the city council to proclaim the existence or threatened existence of a local emergency if the board of supervisors is in session, or to issue such proclamation if the board of supervisors is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect;
B. Request the Governor to proclaim a state of emergency when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;
C. Control and direct the effort of the emergency organization of this city for the accomplishment of the purpose of this chapter;
D. Direct cooperation between and coordination of services and staff of the emergency organization of this city and resolve questions of authority and responsibility that may arise between them;
E. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter;
F. In the event of the proclamation of a local emergency as provided in this chapter, the proclamation of a state of emergency by the Governor or the Director of the State Office of Emergency Services, or the existence of a state of war emergency, the director is empowered:
   1. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;
   2. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use;
   3. To execute all of the ordinary power as city manager, all of the special powers conferred upon the position by this chapter or by resolutions or emergency plan pursuant hereto adopted by the city council, all powers conferred
upon the position by any statute, by any agreement approved by the city council, and by any other lawful authority;

4. To require emergency services of any officer or employee and, in the event of the proclamation of a “state of emergency” in Stanislaus County or the existence of a “state of war emergency,” to command the aid of as many citizens of this community as deemed necessary in the execution of duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers; and

5. To requisition necessary personnel or material of the departments or agencies.

G. The Director of Emergency Services shall designate the order or succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform the director's duties during an emergency.

H. The Assistant Director, under policy direction of the director, shall act as chief of staff of the emergency organization.

I. The Deputy Director, who shall be appointed by the Director of Emergency Services, shall, under the supervision of the assistant director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this city on a day-to-day basis and shall have such other powers and duties as may be assigned by the assistant director.

2.20.090 Emergency plan preparation.

The Director of Emergency Services, in concert with the Disaster Council and the Operational Area Council shall be responsible for the development of the city emergency plan; such plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council.

2.20.100 Punishment of violations.

It shall be a misdemeanor, punishable as set forth in HMC 1.12.010 and 1.12.020, for any person, during an emergency, to:

A. Willfully 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 him by virtue of this chapter.

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of the city, or to prevent, hinder or delay the defense or protection thereof.
C. Wear, carry or display, without authority, any means of identification specified by the emergency agency of the state."

Section 3. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 5. This ordinance shall become effective thirty (30) days after its final passage.

Section 6. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on April 27, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson BEEKMAN, seconded by councilperson HILL, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on May 11, 2015, by the following vote:

AYES: BEEKMAN, HILL, YOUNG, SILVA, and CARR.

NOES: NONE.

ABSTENTIONS: NONE.

ABSENT: NONE.

MATT BEEKMAN, Mayor

DOMINIQUE SPINALE ROMO, City Clerk
CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO 2015-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HUGHSON AMENDING MUNICIPAL CODE CHAPTER 8.30 –
URBAN WATER QUALITY CONTROL

WHEREAS, the City Council of the City of Hughson previously added Chapter 8.30 to the Hughson Municipal Code, pertaining to urban water quality control; and

WHEREAS, the City of Hughson has a MS4 Phase II Permit (Permit) issued by the California State Water Resources Control Board; and

WHEREAS, a change to Section 8.30.130 of the Hughson Municipal Code is required to meet the requirements of the Permit; and

WHEREAS, the City of Hughson desires to amend its municipal code to be in compliance with the terms of the Permit.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1. Section 8.30.130 of the Hughson Municipal Code is amended to read as follows:

8.30.130 New development and redevelopment.

To minimize the discharge and transport of pollutants, the city may require, in its discretion, a new development or redevelopment project, greater less than one acre, to control the volume, rate and quality of stormwater runoff from the project site so as to prevent any deterioration of water quality which would impair the beneficial uses of water. The director may establish standards and guidelines implementing BMPs designed to control the rate and volume of stormwater runoff from new development and redevelopment sites as may be appropriate to minimize the discharge and transport of pollutants.

Acceptable methods and standards for controlling stormwater runoff volumes, rates, and pollutant load may include but are not limited to the following:

A. Increase Permeable Areas. Avoid placing impervious surfaces on highly porous soil areas; incorporate landscaping and open spaces into the project design; use porous materials for driveways and walkways; incorporate detention ponds and infiltration pits into the project design; avoid placing pavement and other impervious surfaces in low lying areas.
B. Direct Runoff to Permeable Areas. Direct stormwater runoff away from impermeable areas to swales, berms, green strip filters, gravel beds, and French drains. Install rain gutters and orient them toward permeable areas. Modify the grade of the property to divert flow to permeable areas and minimize the amount of stormwater runoff leaving the property. When designing curbs, berms, or other structures, avoid designs which isolate permeable or landscaped areas.

C. Maximize Stormwater Storage for Reuse. Use retention structures, subsurface areas, cisterns, or other structures to store stormwater runoff for reuse or slow release.

All stormwater facilities shall be designed in accordance with the city stormwater master plan, the city improvement standards and as approved by the city engineer.

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 4. This ordinance shall become effective thirty (30) days after its final passage.

Section 5. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on May 26, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson Mayor Pro Tem Young, seconded by Councilperson Silva, the foregoing ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on June 8, 2015, by the following vote:
AYES: HILL, YOUNG, SILVA, CARR
NOES:
ABSTENTIONS:
ABSENT: Mayor, BEEKMAN

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING MUNICIPAL CODE CHAPTER 17.03.060 – PARKING

WHEREAS, the City Council of the City of Hughson previously added Chapter 17.03.060 to the Hughson Municipal Code, pertaining to the provision of accessible off-street parking facilities of motor vehicles in connection with development; and

WHEREAS, Chapter 17.03.060(G) – Landscaping in Parking Lots, specifically addresses landscaping requirements in all open off-street parking areas; and

WHEREAS, Chapter 17.03.048 – Landscaping, is the overarching section of the Hughson Municipal Code pertaining to the establishment of criteria, standards and limits for landscaping associated with development projects; and

WHEREAS, Chapter 17.03.048(F) – Landscaping in Parking Lots, reads, “See regulations in HMC 17.030.060.”; and

WHEREAS, Chapter 17.03.048(E)(6) – Exceptions, reads, “Properties located within zones that allow zero lot-line buildings shall be exempt from this requirement.”; and

WHEREAS, the Hughson Municipal Code deals with parking requirements in the downtown in a different manner than in other areas of the City as evidenced by Chapter 17.03.060(J)(2)(a) and Table 17.03.060A, Minimum Vehicular Parking Requirements for Downtown Commercial Zones, as does other City planning documents.

WHEREAS, the City of Hughson desires to amend its municipal code to further address parking requirements in the downtown commercial zones.

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to promote an attractive visual environment and encourage visual harmony between landscape and development, while preserving to the greatest extent possible, the retail, cultural and civic power of the downtown by eliminating the two landscaping requirements in parking lots in all zones that allow zero lot-line buildings.
NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FOLLOWS:

Section 1. Chapter 17.03.060(G) is amended to add subsection (G)(3) which read as follows:

"3. Exemptions. Properties located within zones that allow zero lot-line buildings shall be exempt from these requirements."

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 4. This ordinance shall become effective thirty (30) days after its final passage.

Section 5. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on May 26, 2014, and by a unanimous vote of the council members present, further reading was waived.

On motion of Pro Tem Young, seconded by councilperson Silva, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on June 8, 2015, by the following vote:

AYES: HILL, YOUNG, SILVA, CARR

NOES:

ABSTENTIONS:

ABSENT: Mayor, BEEKMAN
MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk
CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO 2015-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HUGHSON AMENDING MUNICIPAL CODE TITLE 13, CHAPTER 13.08.34
PUBLIC SERVICES - WATER USE – WATER SYSTEM

WHEREAS, the City Council of the City of Hughson previously added Chapter 13.08.34 to Title 13 of the Hughson Municipal Code ("HMC"), pertaining to prohibitions on wasting water; and

WHEREAS, the Chapter 13.08.34 of the HMC was amended to codify the water conservation measures and water restrictions in Resolution 2007-31 and to authorize the City Council to declare a water shortage emergency by resolution; and

WHEREAS, the City of Hughson desires to amend its municipal code to clarify the City Council’s authority to enact additional water conservation measures and water restrictions during a water shortage emergency found to be necessary for the immediate protection of health and safety or required by State law.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 13.08.34.C.2 of Title 13 of the Hughson Municipal Code is amended in full to read as follows:

“2. Vehicle, equipment or boat washing, is permitted on days and times as per address as set forth in HMC 13.08.34(C)(1)(a) and (b) providing a hand-held, automatic shut-off nozzle hose and bucket is used, and minimal runoff occurs, and is limited to one (1) washing per week.”

Section 2. Chapter 13.08.34.F.2.f of Title 13 of the Hughson Municipal Code is amended in full to read as follows:

“f. Outdoor irrigation of lawns, ornamental landscapes, or turf with potable water, shall only be allowed between the hours of 7 p.m. and 8 a.m. on the days allowed as set forth in HMC 13.08.34(C)(1)(a) and (b).”

Section 3. Chapter 13.08.34.F.3-6 of Title 13 of the Hughson Municipal Code is amended in full to read as follows:

“3. While a water shortage emergency declaration is in effect, the City Council may by resolution prohibit additional activities, including, but not limited to, further restricting the days on which irrigation of outdoor landscapes is allowed, upon proper findings as required by HMC 13.08.34(F)(1).
4. A water shortage emergency declaration shall remain in effect until the City Counsel finds and declares by resolution that the water shortage emergency condition has abated, has changed in degree, or no longer exists.

5. Use of private wells shall be limited to the same use restrictions as that of the City water supply system.

6. Use of untreated, raw water from a non-city provider shall not be subject to these restrictions."

Section 4. Chapter 13.08.34.I.1.a of Title 13 of the Hughson Municipal Code is amended in full to read as follows:

"a. Irrigation of new lawns and landscaping may be every day of the week for a 14-day establishment period; or until the second mowing; however, such irrigation is still prohibited between the hours of Noon and 7:00 p.m. An approved variance must first be issued by the City prior to any deviation in the irrigation schedule set forth in HMC 13.08.34(C)(1)(a) and (b)."

Section 5. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 7. This ordinance shall become effective thirty (30) days after its final passage.

Section 8. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the meeting of the City Council of the City of Hughson held on, May 26, 2015, and by a 4-0 vote of the council members present, further reading was waived.
On motion of ______Mayor Pro Tem Young______________________, seconded by
councilperson ______Silva______________________, the foregoing ordinance was duly passed
by the City Council of the Hughson City Council at a regular meeting thereof held on
June 8, 2015, by the following vote:

AYES:       HILL, YOUNG, SILVA, CARR

NOES: 

ABSTENTIONS:  

ABSENT:  Mayor, BEEKMAN

[Signature]
MATT BEEKMAN, Mayor

ATTEST:

[Signature]
DOMINIQUE SPINALE ROMO, City Clerk
CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
ADDING A NEW CHAPTER TO THE HUGHSON MUNICIPAL CODE 17.03.062 –
REASONABLE ACCOMMODATION

WHEREAS, the City Council of the City of Hughson previously added
Chapter 17, referred as the Zoning Ordinance, to the Hughson Municipal Code,
pertaining to the provision of Zoning; and

WHEREAS, the federal Fair Housing Amendments Act of 1988 and the
California Fair Employment and Housing Act (hereafter “fair housing laws”) seek to
provide a procedure for individuals with disabilities to request reasonable
accommodation in seeking equal access to housing in the application of zoning
laws and other land use regulations, policies and procedures; and

WHEREAS, the City of Hughson desires to amend its Zoning Ordinance
within the municipal code to address compliance with the fair housing laws; and

WHEREAS, the proposed ordinance is exempt from the California
Environmental Quality Act (CEQA) under the Public Resources Code section
15061(b)(3) because it does not have the potential for causing a significant effect
on the environment; and

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to
ensure that a procedure for individuals with disabilities to request reasonable
accommodation in seeking equal access to housing.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FOLLOWS:

Section 1. Chapter 17.03.062, Reasonable Accommodation, is added to
read as follows:

Sections:
17.03.062 Reasonable Accommodation

A. Purpose. The purpose of this Chapter is to provide a procedure for
individuals with disabilities to request reasonable accommodation in seeking
equal access to housing under the federal Fair Housing Act and the
California Fair Employment and Housing Act (hereafter “Acts”) in the
application of zoning laws and other land use regulations, policies, and
procedures.
B. Applicability.
1. A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other City requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this chapter, a "person with a disability" is any person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

3. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

4. A reasonable accommodation may be granted in compliance with this Chapter without the need for the approval of a variance.

C. Procedure

1. A request for reasonable accommodation shall be submitted on an application form provided by the Community Development Department or in the form of a letter to the Director of Community Development Department, and shall contain the following information:
   i. The applicant's name, address, and telephone number;
   ii. Address of the property for which the request is being made;
   iii. The current use of the property;
   iv. The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;
   v. The zoning code provision, regulation, or policy from which reasonable accommodation is being requested; and
   vi. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

2. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (A) of this section for concurrent review with the application for discretionary approval.

3. A request for reasonable accommodation shall be reviewed by the Director of Community Development Department or his/her designee, if no approval is sought other than the request for reasonable accommodation. The Director or his/her designee shall make a written determination within 45 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.

4. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on
whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

D. Approval findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

1. Whether the housing in the request will be used by a person with a disability under the Acts;
2. Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;
3. Whether the requested reasonable accommodation would impose an undue financial, administrative or enforcement burden on the City;
4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
5. Potential impact on surrounding uses;
6. Physical attributes of the property and structures; and
7. Other reasonable accommodations that may provide an equivalent level of benefit.

E. Conditions of approval. In granting a request for reasonable accommodation, the Director of Community Development Department or his/her designee, or the Planning Commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

F. Appeals

1. Any person dissatisfied with any action of the Director of the Community Development Department pertaining to this Chapter may appeal to the Planning Commission within 10 days after written notice of the Director’s decision is sent to the applicant. The appeal is taken by filing a written notice of appeal with the Director of Community Development Department and shall specify the reasons for the appeal and the grounds asserted for relief.

2. Any person dissatisfied with any action of the Planning Commission pertaining to this Chapter may appeal to the City Council within 10 days after the rendition of the decision of the Planning Commission. The appeal is taken by filing a written notice of appeal with the Director of Community Development Department and shall specify the reasons for the appeal and the grounds asserted for relief.

3. The City Council shall, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed has been paid.
4. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review of the action against which the complaint is made shall be deemed to have been waived.

5. After filing an appeal, the appropriate hearing body shall conduct a public hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of hearing shall be given to the appellant, and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and the applicant at least ten days prior to the hearing.

6. The Planning Commission or City Council shall review de novo, i.e. without reference to the conclusions or assumptions from the prior body, the entire proceeding or proceedings relating to the decision, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.

7. At the conclusion of the hearing, the hearing body shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof shall be provided to the appellant and the project applicant.

Section 5. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 7. This ordinance shall become effective thirty (30) days after its final passage.

Section 8. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on July 13, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of Mayor Beekman__, seconded by councilperson Hill__, the second reading of the foregoing ordinance was waived and this ordinance was
duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on July 27, 2015, by the following vote:

AYES: BEEKMAN, SILVA, CARR, YOUNG, HILL

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk
CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING MUNICIPAL CODE CHAPTER 17 – ZONING

WHEREAS, the City Council of the City of Hughson previously added Chapter 17, referred as the Zoning Ordinance, to the Hughson Municipal Code, pertaining to the provision of Zoning; and

WHEREAS, Chapter 17.02 – Zoning Districts, specifically addresses the establishment and designation of zones, as well as the general requirements and allowed uses in each zone; and

WHEREAS, Senate Bill 2 (SB 2), which became effective on January 1, 2008 and is codified in the California Government Code Section 65580 et seq., clarifies and strengthens housing element law to ensure zoning encourages and facilitates transitional and supportive housing as well as limits the denial of transitional and supportive housing under the Housing Accountability Act. The law facilitates efforts to address critical needs of homeless populations and persons with special needs throughout all communities in California. Generally, SB 2 amends housing element law regarding planning and approval for transitional and supportive housing to ensure these uses are considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone; and

WHEREAS, the City of Hughson desires to amend its Zoning Ordinance within the municipal code to address compliance with SB 2.

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to ensure that transitional and supportive housing is allowed by right in all zones in which residential uses are allowed and subject to only the same restrictions as residential uses contained in the same type of structure in the same zone.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1. Section 17.01.090(T)(3) is amended to read as follows:

“Transitional housing’ means rental housing operated under the California Multifamily Housing Program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. Transitional housing units are residential uses permitted in all zones allowing residential uses of the same type in the same zone.”
Section 2. Section 17.01.090 is amended to add subsection (S)(32) which read as follows:

"Supportive housing' means housing with no limits on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident 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. Supportive housing units are residential uses permitted in all zones allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone."

Section 3. Section 17.01.090(T) is amended to read as follows:

1. "Target unit" means a dwelling unit within a housing development which will be reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to, very-low-, low-, or moderate-income households, or is a unit in a senior citizen housing development.

2. "Target population' means persons with low income who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

3. "Temporary tract office" means a temporary sales office located on the site of a new development, usually in a model home, and operated until sales are completed.

4. "Transitional housing" means housing with supportive services that is limited to occupancy of up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goals of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons.

5. "Tree" means a woody perennial plant characterized by having a main stem or trunk, or a multistemmed trunk system with a more or less definitely formed crown. It is usually over 10 feet high at maturity. This definition shall not include trees planted, grown and held for sale by licensed nurseries or the first removal or transplanting of such trees pursuant to and as part of the operation of a licensed nursery business.

6. "Tree removal" means the elimination of a tree by cutting to the ground, complete extraction, or killing by spraying, girdling, or any other means.

7. Tree, Significant. "Significant tree" means any tree which measures three inches or more in diameter at breast height (DBH) (four and one-half feet above natural grade) or immediately below the lowest branch, whichever is lower.
Section 4. Table 17.02.032.1, Allowed Uses in Zoning Districts, is updated to allow 'Transitional housing' in Residential Zoning Districts.

### Allowed Uses in Zoning Districts

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Section 5. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 7. This ordinance shall become effective thirty (30) days after its final passage.

Section 8. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.
The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on July 13, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of Mayor Beekman, seconded by councilperson Hill, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on July 27, 2015, by the following vote:

AYES: BEEKMAN, SILVA, CARR, YOUNG, HILL

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk
CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING MUNICIPAL CODE CHAPTER 8—HEALTH AND SAFETY,
CHAPTER 10—VEHICLES AND TRAFFIC AND CHAPTER 17—ZONING

WHEREAS, the City Council of the City of Hughson previously added
Chapter 8, pertaining to the provision of health and safety for the public, Chapter
10, pertaining to the movement of traffic through the city, and Chapter 17,
pertaining to the provision of Zoning, to the Hughson Municipal Code; and

WHEREAS, the City of Hughson desires to amend Chapter 8 and Chapter
17 to reinstate the definition of household pets and correct references made
obsolete by the adoption of Ordinance 2013-04; and

WHEREAS, the City of Hughson desires to amend Chapter 8.26 – Property
Maintenance, to include new terms and quantity limitations and expand compliance
area on a property in order to provide for the health and welfare of the public and
prevent economic deterioration; and

WHEREAS, the City of Hughson desires to amend Chapter 10 to revise
verbiage pertaining to penalties associated with violations of the commercial
vehicle parking section; and

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to
promote the health, safety and welfare of the citizens of the city.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FOLLOWS:

Section 1. Chapter 8.08.010 – Definitions, is amended to add subsection
(D) which reads as follows:

D. “Household pets” means animals permitted in the house and kept for company
or pleasure such as: dogs, cats, domesticated small animals such as hamsters and
guinea pigs, and birds, not including a sufficient number to constitute a kennel, as
defined in Section 6.08.080. Household pets shall not include cows, horses, goats,
hogs, sheep, chickens, or other farm or exotic animals.

Section 2. Chapter 8.08.035 – Animals as a nuisance, is amended to
read as follows:
“8.08.035 Animals as a nuisance. No person, whether as owner or occupant, shall permit animals, except household pets as defined in this chapter, to reside, be placed on, located on or in structures which are residential in nature. Animals which are not household pets as defined in this chapter and which are located in or on such residential property or structures in the city threaten the health, welfare and safety of the citizens of the city as a sanitation hazard and therefore are a public nuisance and may be abated as provided in this chapter.”

Section 3. Chapter 17.02.008 – Residential zones, is amended to read as follows:

“(A)(3). Animals. No person, whether owner or occupant, shall permit animals, except as allowed in this chapter, to reside, be placed on, located on property or in structures which are subject to this section, except as otherwise provided in this section.”

Section 4. Chapter 17.02.012 – Commercial zones, is amended to read as follows:

“(A)(3). Animals. No person, whether owner or occupant, shall permit animals, except household pets as defined in Chapter 8.08 HMC, to reside, be placed on, located on property or in structures which are subject to this title.”

Section 5. Chapter 17.02.020 – Public use zones, is amended to read as follows:

“(A)(2). Animals. No person, whether owner or occupant, shall permit animals, except household pets as defined in Chapter 8.08 HMC, to reside, be placed on, located on property or in structures which are subject to this section, except as otherwise provided in this section.”

Section 6. Chapter 8.26.020 – Definitions, is amended to read as follows:

““Debris” means the same as rubbish or refuse.”

““Junk” means any cast-off, damaged, discarded, junked, salvaged, scrapped, worn out or wrecked object, thing or material including, but not limited to, those composed in whole or in part of asphalt, brick, carbon, cement, cardboard, plastic or other synthetic substance, fiber, glass, plaster, plaster of paris, rubber, terra cotta, wool, cotton cloth, canvas, wood metal, sand, organic matter (excluding compost not in public view), recyclable material, including, but not limited to, metals, glass or plastic, or other item with a redemption value, or any other item or material requiring reconditioning or rebuilding in order to be used for a new or original purpose.”
"Rubbish" means nonputrescible waste or any discarded or abandoned material, including but not limited to, ashes, tires, glass, paper, cardboard, rugs, plastic and construction debris."

"Vehicle storage yard" means any location consisting of parcel(s) or lot(s) where two or more vehicles (as defined by Section 670 CVC and excluding those of historical or special interest value as defined under Sections 5004 and 5051 CVC), or vessels (as defined by Section 651 of the Harbors and Navigation Code), or combinations of both, which are disabled, under repair or restoration, and/or vehicles or vessels which are not currently registered with the State Department of Motor Vehicles are stored. For purposes of this section, a vessel and a trailer designed to carry a vessel that are used together as one unit shall count as one vehicle or vessel."

Section 7. Chapter 8.26.050 – Property maintenance standards and unlawful conditions, is amended to read as follows:

"8.26.050 Property maintenance standards and unlawful conditions.
It is unlawful, and a public nuisance, for any responsible person to maintain or allow to be maintained, permit or cause the property, including adjacent parkways, sidewalks or streets to be maintained with any of the following conditions:

A. The exterior accumulation of weeds as defined in Chapter 8.08 HMC, or dirt on the property to such an extent that it constitutes visual blight.

B. The exterior accumulation of refuse, as defined in Chapter 8.12 HMC, rubbish or debris.

C. The exterior accumulation of more than one hundred twenty square feet of junk, except as otherwise provided under Chapter 17.02 HMC, provided that no junk shall be visible from the street, sidewalk or public right of way.

D. Neglected or inadequately maintained landscaping, trees, hedges, lawns, shrubs, plants or other vegetation which:

1. Is dead, decayed, diseased, debris laden, weed infested, overgrown or dying as a result of physical damage, disease, pest infestation or lack of water
2. Is overgrown as to be blighted or likely to harbor rats or vermin;
3. Could create a fire hazard or is otherwise dangerous to the public health, safety and welfare;
4. Interferes with or impedes the flow of traffic, whether vehicular or pedestrian or obstructs visibility on streets, intersections, sidewalks, or other public rights-of-way; or
5. Creates a blighted appearance due to lack of water, provided, however, that the provision as to dead or dying vegetation due to lack of water shall not be enforced during a drought, as determined by the city. For purposes of this subdivision, a lawn
area shall be deemed overgrown if 50 percent or more of its area exceeds six inches in height.

E. The removal or failure to maintain in good condition any fencing required as a condition of any permit or development approval or included in the project plans or application, as approved by the city, including, but not limited to, those fences which abut major thoroughfares, sound walls or those fences required by a use permit. In addition, any required fence must be maintained consistent with and/or match the materials used when the fence was originally constructed.

F. Buildings, windows, walls, fences, trash enclosures, parking areas, or other structures, which are:
   1. Significantly cracked or broken, fallen, decayed, dry rotted, warped, deteriorated, defective, defaced, in disrepair or missing components, or which either (a) threaten structural integrity, or (b) results in a dilapidated, decaying, disfigured, or partially ruined appearance to such an extent that they contribute to blight or threaten the public health, safety or welfare;
   2. Fences which are leaning or listing more than 15 degrees from perpendicular or are in danger of collapse due to the elements, pest infestation, dry rot, lack of maintenance, or other damage;
   3. Poorly maintained so as to become so defective, blighted, or in such condition of deterioration of disrepair that the same causes depreciation of the values of surrounding property or is materially detrimental to nearby properties and improvements.

G. The existence of indoor plumbing fixtures (including, but not limited to toilets or sinks), appliances or furniture, excluding lawn and patio furniture.

H. Attractive nuisances dangerous to children, including, but not limited to:
   1. Abandoned and broken equipment, vehicles, furniture, appliances, or neglected machinery;
   2. Improperly fenced, unsanitary or otherwise hazardous pools, ponds and excavations.

I. Lumber or other building materials which have been present on the property for more than 180 days, (excluding firewood that has been stacked out of public view or materials for a construction project on the property with a current valid permit) or other salvage materials (including, but not limited to, auto parts, pipe, scrap metals, tires, concrete, bricks, cans, bottles and plastic materials).

J. Broken windows or missing doors constituting blighted or hazardous conditions or which invite trespassers and malicious mischief.

K. Property otherwise maintained in such a blighted condition, or in such condition of deterioration or disrepair that the same causes appreciable diminution of the property values of surrounding properties or is materially detrimental to proximal properties and improvements.
L. The existence of a vehicle storage yard, except as otherwise provided under Chapter 17.02 HMC.

In addition to any other remedy provided by law, the provisions of this section may be enforced in accordance with any of the procedures set forth in this code or state law."

Section 8. Chapter 10.32.290 – Commercial vehicle parking, is amended to read as follows:

“A. For the purposes of this section, “commercial vehicle” means and includes any vehicle designed to be used as a tractor, which has two or more axles, and has a fifth wheel, and a manufacturer’s gross vehicle weight of 10,000 pounds or more, and any trailer or semitrailer designed to be drawn by such vehicle.

B. The following prohibitions apply:
   1. No person, whether as owner or occupant, shall permit any commercial vehicle to be stopped, parked or left standing, within any residential zoning district, on private property, at any time.
   2. No commercial vehicle shall be stopped, parked or left standing, within any residential zoning district, on any street or public property, at any time.
   3. No commercial vehicle shall be stopped, parked or left standing, within any nonresidential zoning district, on any street, for longer than one hour total within any 24-hour period.

C. Any commercial vehicle stopped, parked or left standing in violation of this section, when signs are posted giving notice of removal, may be removed and stored at said vehicle owner’s expense. The removal and storage of any commercial vehicle stopped, parked or left standing in violation of this section shall be carried out pursuant to Section 22850 et seq. of the Vehicle Code.

D. Any owner of real property in a residential zone, who violates the provisions of this section, shall be guilty of an infraction and is punishable pursuant to Chapter 1.12 HMC.

E. Any person, whether owner or operator of a commercial vehicle, who violates the provisions of this section, shall be guilty of an infraction and shall be subject to the following:
   1. A fine of $105.00 for a first violation;
   2. A fine of $205.00 for a second violation occurring within one year of the first violation which resulted in a conviction;
   3. A fine of $255.00 for a third or any subsequent violations occurring within one year of two or more prior violations which resulted in convictions.

F. The application of the provisions of subsection D and E of this section shall not be held to prevent the removal of a commercial vehicle pursuant to subsection C of this section.
G. The provisions of this section shall not apply to vehicles of a public utility when such vehicles are being used in connection with the operation, maintenance or repair of facilities of the public utility or being used in connection with providing public utility service, or to any commercial vehicle making pickups or deliveries of goods, wares or merchandise from or to a building or structure located on a restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon a restricted street for which a building permit has previously been obtained."

Section 9. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 10. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 11. This ordinance shall become effective thirty (30) days after its final passage.

Section 12. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on July 13, 2015, and by a unanimous vote of the council members present, further reading was waived.
On motion of Mayor Beekman _____, seconded by councilperson Hill____, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on July 27, 2015, by the following vote:

AYES: BEEKMAN, SILVA, CARR, YOUNG, HILL

NOES: 

ABSTENTIONS: 

ABSENT: 

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE
CITY OF HUGHSON AND FEATHERS GLEN, LLC, EF COMMUNITIES, INC.,
AND ADELINE FEATHERS RELATING TO THE DEVELOPMENT KNOWN AS
FEATHERS GLEN

WHEREAS, pursuant to Hughson Ordinance No. 90-59, the City of Hughson
(“City”) may enter into, or amend a Development Agreement with the owner and/or
developer of real property within the City; and

WHEREAS, on June 12, 2006 the Hughson City Council adopted Ordinance No.
06-05 approving a Development Agreement (hereinafter called “Development
Agreement”) between the City and Feathers Glen, LLC, EF Communities, Inc., and
Adeline Feathers for the development of certain real property within the City; and

WHEREAS, on October 27, 2008, the Hughson City Council adopted Ordinance
No. 08-07 amending the Development Agreement as requested by Pacific Union Homes,
Inc., acting on behalf of Feather Glen, LLC. The amendment was specific to Part II,
Section 3.G. pertaining to when Inclusionary Housing In-Lieu fees are paid; and

WHEREAS, Pacific Union Land Company has requested another amendment to
the Development Agreement due to changes in market conditions which have not
supported development of residential units for sale; and

WHEREAS, Pacific Union Land Company has reached agreement with a home
builder to develop the remainder of the project; and

WHEREAS, the City and Developer are entering into this Second Amendment to
the Development Agreement to memorialize the terms affecting the remainder of the
Project.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FollowS:

Section 1. Part II, Section 1.D. is hereby amended to read as follows:

“D. Term. The term of this Agreement shall commence upon the Effective Date
and shall extend until July 26, 2017 or until one (1) year after the “Project Buildout” as
hereinafter defined, whichever is earlier, unless said term is otherwise modified by
circumstances set forth in this Agreement or by the mutual consent of the parties hereto. For purposes of this Agreement, "Project Buildout" shall mean the date on which a Certificate of Occupancy (or comparable instrument) is issued for the last project improvement or residential home or other structure to be constructed in the Project. Following the expiration of said term, this Agreement shall be deemed terminated and of no further force and effect, except as may be specified otherwise herein."

Section 2. Part II, Section 3.E. is hereby amended to read in full as follows:

"E. Fees. Fees to be paid by Developer shall be as specified below. Developer shall also pay fees expressly specified in this Agreement or the Project Approval, such as, but not limited to, those specified in Section 5.C.iii, or 3.F., of this Agreement. No reimbursements or credits other than those specified herein, if any, are or shall be due to Developer. Notwithstanding the preceding sentence, any fee credit resulting from additional sewer fees to fund the waste water treatment plant expansion established by the City after adoption of that certain "Advance Funding Agreement for the Hughson Waste Water Treatment Plant Agreement", entered into by and between Developer and the City, shall be applied to the Sewer Fee for the benefit of Developer if such a credit is applicable. All fees specified below shall be collected at the time of building permit issuance.

<table>
<thead>
<tr>
<th>Fee Schedule</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Facility Fee</td>
<td>$3,050</td>
</tr>
<tr>
<td>Storm Drain Fee</td>
<td>$2,814</td>
</tr>
<tr>
<td>Sewer Fee</td>
<td>$13,755</td>
</tr>
<tr>
<td>Water Fee</td>
<td>$3,803</td>
</tr>
<tr>
<td>Construction Water Fee</td>
<td>$1,155</td>
</tr>
<tr>
<td>Street Fee</td>
<td>$1,505</td>
</tr>
<tr>
<td>Park Development Fee</td>
<td>$2,667</td>
</tr>
<tr>
<td>Park In-Lieu Fee</td>
<td>$1,991</td>
</tr>
<tr>
<td>Community Enhancement Fee</td>
<td>$1,008</td>
</tr>
<tr>
<td>Miscellaneous Fee</td>
<td>$42</td>
</tr>
</tbody>
</table>

Notwithstanding the preceding portion of this Section II.3.E., the parties agree as follows:

(i) The fees shown in the table above may be increased at three (3%) percent per year, or by the percentage increase in the Engineering News Record Construction Cost Index, at the discretion of the City Manager of City, for the period of time from recordation of this Amendment, to the time of payment of such fees; and

(ii) Community Enhancement. Developer shall pay, at the time of issuance of building permits per lot for each lot for which a building permit is issued, a community enhancement fee as identified in the table above. Such funds shall be used by City for any project which will, in City's sole discretion, enhance the quality of life for residents of the City, and/or ameliorate the negative effect on older areas of the City caused by the economic pressure generated by new
development, including but not limited to, public art, maintenance, repair or upgrading of public facilities, recreation, parks, or historical preservation. City and Developer, its successors and assigns, agree that notwithstanding any other provision of law, the imposition and accounting for these funds shall not be subject to the requirements of the Mitigation Fee Act (Government Code Sections 66000-66025).”

Section 3. Part II, Section 3.G. and subsections i. and ii. are deleted in their entirety.

Section 4. Part II, Section 17 is amended to delete the following exhibit:

“Exhibit “E” Fees and Credits (Note: Exhibit E consists of E-1 and E-2)”

Section 5. All other terms and conditions of the Development Agreement, as amended, are unmodified and remain in full force and effect.

Section 6. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 7. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 8. This ordinance shall become effective thirty (30) days after its final passage.

Section 9. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.
The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on August 10, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of Mayor Beekman, seconded by councilperson Hill, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on August 24, 2015, by the following vote:

AYES: BEEKMAN, HILL, CARR, SILVA, YOUNG

NOES: 

ABSTENTIONS:

ABSENT: 

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk
CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015-11

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF HUGHSON AND DG-HUGHSON, CA-1-UT, LLC. (DOLLAR GENERAL / EMBREE ASSET GROUP)

WHEREAS, pursuant to Hughson Ordinance No. 90-59, the City of Hughson ("City") may enter into, or amend a Development Agreement with the owner and/or developer of real property within the City; and

WHEREAS, Dollar General, through the Embree Asset Group, hereinafter referred to as the "Developer", has applied for, and the City has approved, all necessary land use approvals, entitlements and allocations that will allow the development of a 9,100 square foot retail store on Hughson Avenue without the need to obtain further discretionary approvals; and

WHEREAS, the City's current Development Impact Fee Nexus Study, 2006, is designed to recover the cost of building the infrastructure necessary to service new development, not infill or redevelopment sites; and

WHEREAS, the Developer has requested a Development Agreement to address Development Impact Fees as it relates to new development compared to infill/redevelopment; and

WHEREAS, the City and Developer have negotiated a Development Agreement by and between the City of Hughson and DG-Hughson, CA-1-UT. (Dollar General / Embree Asset Group) (hereinafter "Development Agreement"), a copy of which is attached as Attachment 1; and

WHEREAS, the City Planning Commission on September 15, 2015, determined that the provisions of the Development Agreement are consistent with the City's General Plan and all other applicable plans, policies, and regulations of the City; and

WHEREAS, the Council City desires to approve the agreement and enact it as an uncodified ordinance and upon adoption authorize the City Manager to execute the Development Agreement.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1. The Development Agreement attached as Attachment 1 and incorporated by this reference as though fully set forth herein is hereby enacted as an uncodified ordinance.
Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 4. This ordinance shall become effective thirty (30) days after its final passage.

Section 5. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on September 28, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of Mayor Beekman, seconded by Councilmember Silva, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on October 12, 2015 by the following vote:

AYES: Mayor BEEKMAN, SILVA, CARR, YOUNG, and HILL

NOES: NONE

ABSTENTIONS: NONE

ABSENT: NONE

ATTEST:

MATT BEEKMAN, Mayor

DOMINIQUE SPINALE ROMO, City Clerk