ARTICLE VI - PUBLIC SAFETY

CHAPTER 1 – CALIFORNIA FIRE CODE

Sec. 6100. Fire Code Official. The California Fire Code with amendments set forth in this Chapter shall be enforced by the Five Cities Fire Authority, which shall be operated under the Fire Chief of the Five Cities Fire Authority. The Fire Chief of the Five Cities Fire Authority may designate qualified individuals as inspectors as shall be necessary from time to time. (Ord. 11-02)

Sec. 6101. Adoption of California Fire Code. The 2010 edition of the California Fire Code, including Appendix Chapters 4, A, B, BB, C, CC, D, H , is hereby adopted as the Fire Code of the City of Grover Beach except such portions as are hereinafter deleted, modified or amended by the rest of this Chapter.

(A) The following sections of the 2010 California Fire Code shall be revised to delete and insert the following:

Section 101.1 Title. Delete "Name of Jurisdiction" and insert "The City of Grover Beach".

Section 109.3 Violation Penalties. Delete "Specify Offense" and insert "Misdemeanor".

Section 109.3 Violation Penalties. Delete "Amount" and insert "one thousand dollars ($1,000.00)".

Section 109.3 Violation Penalties. Delete "Number of Days" and insert "365".

Section 111.4 Failure to comply. Delete the first "Amount" and insert "triple the amount charged for the original permit fee(s)" and delete the second "Amount" and insert "one thousand dollars ($1,000.00)".

(B) Section 503.1 of the 2010 California Fire Code shall be deleted in its entirety and replaced with the following:

503.1 **Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3. In addition to fire access required by the California Fire Code and Article IX of the Grover Beach Municipal Code, alleys and common driveways are designated fire lanes and shall be maintained in accordance with sections 503.2.1, 503.3, and 503.4 of the California Fire Code.

EXCEPTION: Where common driveways were constructed prior to January 1, 1998, minimum width and height clearances may be modified by the Fire Chief.

EXCEPTION: Where common driveways do not exceed 40 feet in length.

(C) Section 903.2 of the 2010 California Fire Code shall be deleted in its entirety and replaced with the following:

903.2 **Where required.** Approved automatic sprinkler systems shall be installed as follows:

1. In all new buildings and structures that exceed 1,000 square feet for all occupancies except the R-3 occupancy (one- and two-family dwellings, townhouses) which shall comply with Section 903.2.2 of this Chapter.
2. In all new buildings and structures with a R-3 occupancy (one- and two-family dwellings, townhouses) per Section R313.1 of the California Residential Code

with the exception of all U occupancies (private garages and carports) when the building or structure is an accessory use to the R-3 occupancy and separated by a minimum of ten (10) feet.

3. In all additions or alterations to buildings and structures in all occupancies as follows:
   a. Throughout structures where additions to existing buildings add more than 50% of the existing square footage to the structure AND results in a total square footage in excess of 1,000 (one-thousand) square feet.
   b. Throughout structures where alterations to existing buildings encompass more than 50% of the existing square footage of the structure AND are in excess of 1,000 (one-thousand) square feet.
   c. Where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief.
4. These requirements shall be applicable to the combined square footage of all building permits issued for the address or site within the last five (5) years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure for that purpose.

(D) Appendix D Section D107.1 Exception 1 of the 2010 California Fire Code shall be deleted in its entirety. (Ord. 11-02)

Sec. 6102. Recovery of Costs. Where an emergency situation is caused or exacerbated by a willful act, a negligent act, or a violation of the Fire Code, Building Code, or any other applicable law, ordinance or regulation, the cost of emergency service to mitigate and secure any emergency that is within the responsibility of the Fire Chief is a charge against the person who caused the emergency or who caused the circumstances leading to the creation of the emergency, and such person shall be liable for the costs of such services. Damages and expenses incurred by any public agency providing emergency services or mutual aid shall constitute a debt of such person and shall be collectible by the Fire Chief or City Manager or designee for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Costs and expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to mitigate or secure the emergency, monitor remediation, and clean up. (Ord. 11-02)

Sec. 6103. Appeals. Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Chapter do not apply or that the true intent and meaning of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the City Manager within thirty (30) days from the date of the decision appealed. The applicant may appeal from the decision of the City Manager within thirty (30) days from the date of the decision appealed by following the provisions outlined within Section A101 of the 2010 California Fire Code. (Ord. 11-02)

Sec. 6104. Issuance of Citations. Officers and employees within the City of Grover Beach authorized to issue citations are designated within Article I, Chapter 2, Section 1203.2 of the Grover Beach Municipal Code. (Ord. 11-02)

CHAPTER 2 - REMOVAL OF TREES

Sec. 6200. Dangerous Trees as Nuisances. Any tree or any part thereof which appears to be dead, is liable to fall, is dangerous or is an obstruction to public travel, whether or not the tree is on any private property and overhangs or projects into any street or might fall in or across a street, or is in any street, park, parkway or other public grounds within the City of Grover City, is a nuisance. (Ord. 121)

Sec. 6201. Notice of Dangerous Trees. When, in the opinion of the Superintendent of Public Works, any tree growing on private property within the City of Grover City appears to be dead, is liable to fall, is dangerous or is an obstruction to public travel or constitutes immediate danger to public streets or public places, the Superintendent of Public Works shall give ten (10) days' notice in writing to the owner or agent of the owner of the land on which the tree is situated, to remove or trim such tree. (Ord. 121)

Sec. 6202. Service of Notice. Notice may be given either in person or by mailing a notice in a sealed envelope with postage prepaid by certified or registered mail to said owner, or his agent, at the last known address of said owner, or his agent. The service is complete at the time of deposit for mailing. (Ord. 121)

Sec. 6203. Appeal from Notice by Superintendent of Public Works. Any person aggrieved by any act or determination of the Superintendent of Public Works may, after the service of any such notice have the right within ten (10) days to appeal to the City Council of the City, by demanding a hearing before said City Council. Such appeal shall be in writing and the decision of the City Council after public hearing of said matter shall be final and conclusive. Any such decision of the City Council approving the removal or trimming of any tree shall be in writing. (Ord. 121)

Sec. 6204. Removal of Dangerous Trees. In the event any owner of private property fails to remove or trim any such trees within ten (10) days after receiving notice from the Superintendent of Public Works or within three (3) days after the City Council has denied any appeal from the decision of the Superintendent of Public Works, the Superintendent of Public Works may then remove or trim any such tree and assess the cost against the owner. (Ord. 121)

Sec. 6205. Cost of Trimming and Removing Trees. Whenever, pursuant to this Chapter, the Superintendent of Public Works removes or trims any trees, the cost of such removal or trimming shall be assessed against the property owner. Such costs shall become a lien on the property and may be collected by court action. (Ord. 121)

Sec. 6206. Liability. Nothing contained herein shall be deemed to impose any liability upon the City, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree upon his property or under his control in such a condition as to prevent it from constituting a public or private nuisance. (Ord. 121)

CHAPTER 3 - BICYCLES

Sec. 6300. Bicycles to be Registered. It shall be unlawful for any person to operate a bicycle upon any street in the City of Grover City unless said bicycle is registered and tagged as herein provided. (Ord. 48)

Sec. 6301. Method of Registration; Fee. Registration shall be made by filing with the Police Department the name and address of the owner together with a complete description of the bicycle on forms provided by said department and paying a fee of one dollar ($1.00). Registrations shall be serially numbered and kept on file in the said department as a public record. Upon such registration the said department shall cause an identification tag to be affixed to the bicycle registered, serially numbered to correspond with the registration number. Such tag shall remain affixed to the bicycle unless removed by said department for cause or for retagging upon re-registration. In case of theft or loss, a duplicate tag shall be issued for a fee of twenty-five cents ($0.25). All registrations shall remain in effect during the existence of the bicycle. (Ord. 48; Am. Ord. 76)

[Text continues on Page VI-7.]

Sec. 6302. Report of Fees. A complete report shall be made to the City Treasurer of funds received from registration of bicycle fees and shall be paid to the City Treasurer. (Ord. 48)

Sec. 6303. Unsafe conditions; Suspension. No bicycle shall be registered which is in unsafe mechanical condition. The Chief of Police shall have authority to suspend the registration of and remove the identification tag from any bicycle operated contrary to any State law or City ordinances or operated while in unsafe mechanical condition; such suspension and removal to continue for a period not to exceed sixty (60) days, provided that such registration shall not be reinstated or such identification tag be replaced while such bicycle is in unsafe mechanical condition. Such suspension and removal shall be in addition to other penalties provided by the Grover City Municipal Code. (Ord. 48)

Sec. 6304. Tampering with Identification Tag. No person shall willfully remove, deface or destroy any such identification tag. (Ord. 48)

Sec. 6305. Transfer of Ownership. Within ten (10) days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of operation, the person in whose name the bicycle has been registered shall report such information to the Police Department. In case of change of ownership the registration shall thereupon be changed to show the name of the new owner. In case of dismantling and taking out of operation, the registration shall be canceled, and identification tag destroyed. A fee of twenty-five cents ($0.25) shall be charged for re-registration due to change of ownership. (Ord. 48)

Sec. 6306. Bicycle Dealers' Reports. All persons engaged in the business of buying secondhand bicycles are hereby required to make daily reports to the Police Department, giving the name and address of the person from whom each bicycle was purchased, the description of each bicycle purchased, the frame number thereof, and the number of registration tag found thereon, if any. All persons engaged in the business of selling new or secondhand bicycles are hereby required to make daily reports to the Police Department, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description and frame number thereof, and the number of the license plate attached thereto, if any. (Ord. 48)

CHAPTER 4 - RESERVED FOR FUTURE MATERIAL

CHAPTER 5 - FILMING ACTIVITIES

Sec. 6500. Purpose of Chapter. It is the purpose of this Chapter to provide rules governing the issuance of permits for filming activities on location within the City. The intent of this Chapter is to ensure that still photographers and motion picture, television, commercial and non-theatrical filming companies will be encouraged to use locations for filming activities within the City so long as those activities are consistent with the public safety and the protection of property. (Ord. 89-13)

Sec. 6501. Definitions As Used In This Chapter. (A) "Applicant" shall mean the person, organization, corporation, association or other entity applying for a permit to film in the City of Grover City.

(B) "City" shall mean the City of Grover City as a municipal corporation and existing pursuant to the laws of the State of California.

(C) "Filming Activity" shall mean the staging, shooting, filming, videotaping, photographing, or other similar process conducted for the making of still photographs, motion pictures, television programs, commercial and non-theatrical film productions.

(D) "Film Development Office" shall mean the Community Development Department or such other office designated by the Council to coordinate filming and issue film permits in the City of Grover City.

(E) "Film Permit" shall mean written authorization from the City's representative designated by the Council to conduct the filming activity described in the permit.

(F) "Master Fee Schedule" shall mean those fees, taxes, and reimbursements for costs and administrative policies adopted by the Council.

(G) "News Purposes" shall mean a filming activity conducted for the purpose of reporting on persons, events, or scenes which are in the news for newspapers, television news, and other news media.

(H) "Permittee" shall mean the person, organization, corporation, association or other entity issued a film permit under this policy.

(I) "Public Street" shall mean any street, right-of-way, public trail, bikeway or road maintained by the City and located within the City limits.

(J) "Still Photography" shall mean and include all activity attendant to staging or shooting commercial still photographs.

(K) "Student Filming Activity" shall mean filming activity conducted to fulfill a course requirement by a student enrolled at a public or private school.

(L) "Studio" shall mean a fixed place of business where filming activities are regularly conducted upon the premises. (Ord. 89-13)

Sec. 6502. Permit Required. It is unlawful to conduct a filming activity as defined in Section 6501 within the City without first obtaining a film permit from the Film Department Office.

A permit is issued by the Film Development Office for the purpose of filming on City-owned, leased or controlled real property or City streets. This permit does not constitute or grant permission to use or occupy property not owned, leased or controlled by the City of Grover City. This permit must be in the possession of the permittee at all times while on location in the City.

An applicant shall obtain the private property owner's permission, consent, and/or lease for use of property not owned or controlled by the City. (Ord. 89-13)

Sec. 6503. Permit Exemptions. The provisions of this Chapter shall not apply to any of the following activities provided that the activity will not require the closure of a public street, or substantially impede pedestrian or vehicular traffic thereon:

(A) Filming activities conducted for news purposes as defined in Section 6501(G).

(B) Filming activities conducted at studios as defined in Section 6501(L).

(C) Filming activities conducted for use in a criminal investigation or civil or criminal court proceeding.

(D) Non-commercial filming activities conducted on private property solely for private or family use.

(E) Commercial still photography or staging thereof, when conducted to the exclusion of any other filming activity as defined in Section 6501(J) when the following conditions apply:

(1) The still photography, or staging thereof, will not be conducted on City property.

(2) The still photography, or staging thereof, will not require the parking of more than two motor vehicles on any public street within the City.

(F) Filming activities conducted by or for the City. (Ord. 89-13)

Sec. 6504. Deadline for Filing Applications. Applications for a film permit must be filed with the Film Development Office a minimum of two (2) business days in advance of the date the film activity is to begin; except that an application for a permit which includes traffic controls exceeding 3 minutes, minor stunts, minor special effects, shall require a minimum of four working days notice; and those which include street closures, major stunts, or pyrotechnics must be filed a minimum of ten (10) business days in advance of the first day of filming.

No late applications will be processed by the City unless the Film Development Officer determines that special circumstances exist relative to the application which would have precluded its application on a timely basis.

Applicants are encouraged to submit applications at the earliest advance date possible in order to facilitate coordination between City departments.

Upon showing of good cause, the Film Development Office shall consider applications which are filed after the filing deadline if there is sufficient time to process and investigate the application, and for City Staff to prepare for the filming activity. (Ord. 89-13)

Sec. 6505. Application Form. The permit application shall be on a form furnished by the Film Development Office signed by the applicant or agent thereof. Such application shall include, but not be limited to, the following information:

(A) Name, address, and telephone number of applicant.

(B) Name, address, and 24-hour telephone(s) of person in charge of filming on location.

(C) Filming location(s), dates and approximate daily call times of proposed filming activities.

(D) Description of scenes to be filmed including details of any hazardous filming activity employing firearms, explosives, the use of open flame, other pyrotechnical effects, animals, stunts, filming of moving motor vehicles, watercraft or aircraft.

(E) Description of the types and number of motor vehicles which will be parked on public streets, and description of any equipment to be placed on public property.

(F) Evidence of adequate insurance certification as may be required.

(G) Such other information descriptions, diagrams, and technical information as the Film Development Office may require. (Ord. 89-13)

Sec. 6506. Permit Approval/Denial. (A) The application shall be approved or denied within two (2) business days of receipt of the application unless the proposed filming activity requires extensive review by other City departments or other affected agencies due to public health or welfare concerns or fire or traffic safety. The film permit shall be approved by the Film Development Office unless determined from consideration of the application or other pertinent information, that any of the following conditions exist:

(1) The filming activity will substantially disrupt the use of a public right of way or street at a time when it is usually subject to traffic congestion, or interfere with the operation of emergency vehicles in the proposed permit area.

(2) The location of the filming activity will substantially interfere with a right-of-way or street maintenance work, or a previously authorized excavation permit.

(3) The proposed permit location is on City property and the filming activity will substantially interfere with other previously authorized activities, contracts or safety of the public or employees while on City property.

(4) The proposed permit location is on City property and the filming activity will substantially interfere with municipal functions or the scheduled maintenance of City buildings or grounds.

(5) The filming activity creates a substantial risk of injury to persons or damage to property.

(6) The applicant failed to complete the application after being requested to do so, or the

information contained in the application is found to be false in any material detail.

(7) The particular filming activity would violate federal, state, or local law including licensing or permit requirements.

(8) Any other set of specific facts, circumstances and conditions which, in the discretion of the Film Development Office, are determined to present or result in a situation incompatible or inconsistent with the proposed filming activity.

(B) When the grounds for permit denial can be corrected by imposing reasonable permit conditions, the Film Development Office may impose such conditions rather than denying the permit. (Ord. 89-13)

Sec. 6507. Permit Conditions. The Film Development Office may condition the issuance of a film permit by imposing reasonable terms, conditions and requirements concerning the time, place, manner and duration of filming activities as referenced on the "Terms and Conditions" attached to the Film Permit, including but not limited to, the following:

(A) Requirements for the presence of employees of the City at the applicant's expense, when required for the particular filming activity.

(B) Requirements concerning posting of no parking signs, placement of traffic control devices, and employment of traffic and crowd control monitors at the applicant's expense.

(C) Requirements concerning posting of the outer boundaries of the filming activity and providing advance notice to affected property owner's businesses and tenants.

(D) Requirements concerning the cleanup and restoration of public streets and City property employed in the filming activity.

(E) Restrictions concerning the use of City or other public agency employee services, vehicles and other equipment in the filming activity.

(F) Requirements that the applicant pay all fees, and obtain all permits and licenses required for the filming activity under local, state and federal laws.

(G) Restrictions on the use of firearms, explosions, and other noise-creating or hazardous devices which disturb the peace.

(H) Restrictions on the use of stunts involving pyrotechnics, open flame, vehicle crashes or other hazardous materials.

(I) Requirements concerning cover-up of police, fire and other official uniforms worn by actors, when the actors are not on camera.

(J) Restrictions concerning the use of City and other public agencies logos, insignias, badges or decals for filming purposes.

(K) Restrictions on the locations and/or daily hours the filming activity may be conducted within the City.

(L) Requirements concerning the City's or other public agencies' receipt of proper acknowledgment for any assistance provided in making feature, television or commercial productions.

(M) Requirements concerning affirmative action and non-discriminatory practices for employment. (Ord. 89-13)

Sec. 6508. Fees. (A) A schedule of fees for City services and use of City property shall be in an amount as established by resolution of the City Council and/or in accordance with the Master Fee Schedule.

(B) The applicant shall pay all costs incurred by the City in providing City employees to be present during filming activity.

(C) The City may require that a bond, cash advance, or other security approved by the City Attorney be posted in advance of the issuance of any permit to guarantee and as security for payment covering City's anticipated costs or expenses. (Ord. 89-13)

Sec. 6509. Change of Filming Activity Date. Upon reasonable written notice by the permittee in advance of the filming activity, the Film Development Office is authorized to change the date for which the film permit has been issued without requiring a new application or permit. (Ord. 89-13)

Sec. 6510. Insurance Required. The applicant for a film permit shall procure and maintain for the duration of the film activity insurance in the forms, types and amount prescribed by the City Administrator and as approved by the City Attorney. (Ord. 89-13)

Sec. 6511. Liability and Indemnification. Prior to the issuance of the film permit, the permit applicant must agree in writing to comply with the "Filming Permit Terms and Conditions". (Ord. 89-13)

Sec. 6512. Duties of Permittee. The permittee, and all agents, employees, and contractors of the permittee at the filming activity site within the City, shall comply with the following requirements:

(A) The permittee shall comply with all "Terms and Conditions" of the film permit.

(B) The permittee shall not conduct a filming activity within the City not authorized by the filming permit.

(C) The permittee shall meet with and brief City Staff as necessary to ensure that the personnel assigned have a full understanding of the hazards and City resources involved.

(D) The permittee shall be responsible for ascertaining the full purpose(s) of the permit conditions and ensuring that all film personnel are in compliance.

(E) The permittee shall comply with instruction made by the City's Police and Fire Department Officer(s) assigned to police and ensure safety at the filming activity site.

(F) The permittee shall comply with instructions made by City employees assigned to regulate the filming activity site.

(G) The permittee shall clean and restore all City-owned property utilized during the filming activity to the same condition as existed prior to the filming activity.

(H) The permittee shall comply with these regulations and all other policies and laws of the City and state and federal law. (Ord. 89-13)

Sec. 6513. Street Closure. The applicant for a film permit may request that the City authorize a street closure on the film permit application. A short-term encroachment permit shall be granted by the City Administrator, his designee, or by the Chief of Police, unless public health, welfare or safety would be endangered or affected. (Ord. 89-13)

Sec. 6514. Pyrotechnics. During the filming of any special effect or stunt requiring the use of pyrotechnics or any material deemed hazardous, including but not limited to fireworks, open flames, or explosives, the applicant must obtain all relevant and required permits from the City Fire Department. (Ord. 89-13)

Sec. 6515. Permit Revocation or Suspension. (A) Permit Revocation -- The Film Development Office may revoke the film permit if the permittee, or any agents, employees or contractors of the permittee fail to comply with the requirements set forth in Section 6512, or if the Film Development Office determines after the permit is issued that the permit application was false in any material detail. (1) Notice of the grounds for revocation of the film permit shall be provided in writing by the Film Development Office to the permit applicant or person in charge at the location of the filming activity.

(2) Appeals of the permit revocation shall be conducted in the manner specified in Section 6516.

(B) Permit Suspension -- The Grover City Police Department officer assigned to police the filming activity site may suspend the film permit when the filming activity poses an immediate hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by the officer.

(1) The grounds for the permit suspension shall be provided in writing by the Film Development Office to the permittee within one (1) business day of the suspension.

(2) Appeals of the permit suspension shall be conducted in the manner specified in Section 6516. (Ord. 89-13)

Sec. 6516. Appeals. (A) The permit applicant or permittee may appeal a permit denial, revocation, or suspension, permit condition, insurance/fees requirement or the Film Development Office's decision not to waive a deadline set forth in the Policy. Such appeal shall be filed with the City Administrator's Office not later than five (5) business days after the date written notice of the decision is made. Failure to timely file an appeal shall result in a waiver to the right to appeal. The appeal shall be heard by the City Administrator or his/her designee.

(B) Appeals of the City Administrator's decisions may be made to the Council by filing a written notice of appeal setting forth the reasons for such appeal with the City Clerk within ten (10) days of the date of the decision(s) being appealed. The Council shall hear the appeal at the next available public meeting and render its decision. (Ord. 89-13)

CHAPTER 6 - LIABILITY FOR COSTS OF RESPONSE TO HAZARDOUS WASTE OR SUBSTANCE SPILLS, RELEASES AND OTHER INCIDENTS

Sec. 6601. Purpose and Authority. The purpose of this Chapter is to establish liability for reimbursement of the City's expenses incurred in connection with corrective and/or mitigation actions necessitated by violations of the hazardous waste and substance control laws. The authority for this Chapter includes the general police power; the provisions of Article VI of Chapter 10 of Part 2 of the California Government Code (commencing with Section 38771); Sections 3479 and 3494 of the California Civil Code; Section 510 of the California Health and Safety Code, (hereinafter "Health and Safety Code"), and the provisions of Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code. (Ord. 92-3)

Sec. 6602. Definitions. For the purposes of this Chapter, unless the context otherwise requires:

(A) "City" means, the city of Grover City.

(B) "Corrective action" includes, without limitation, any "remedial action" within the meaning of Section 25322 of the Health and Safety Code and any "removal" within the meaning of Section 25323 of the Health and Safety Code.

(C) "Disposal" has the meaning assigned to that term by Section 25113 of the Health and Safety Code.

(D) "Hazardous waste or substance" means a waste or substance that consists of a material listed in either the List of Chemical Names or the List of Common Names appearing in Section 66680 of Title 22 of the California Administrative Code, a waste or substance as defined in either Section 25280, Section 25316 or Section 25400 of the Health and Safety Code.

(E) "Hazardous waste and substance control laws" means Chapter 6.5 (commencing with Section

25100) or Chapter 6.7 (commencing with Section 25280) of Division 20 of the Health and Safety Code or any permit, rule, regulation, standard or requirement issued or promulgated pursuant to such chapters.

(F) "Release" has the meaning assigned to that term by Section 25320 and Section 25321 of the Health and Safety Code.

(G) "Unauthorized disposal or release" means any disposal of a hazardous waste or substance which is in violation of the provisions of Chapter 6.5 (commencing with Section 25100) of the Health and Safety Code, any "unauthorized release" within the meaning of Section 25280 of the Health and Safety Code, or any release of a hazardous waste or substance which is not "a release authorized or permitted within the meaning of Section 25326 of the Health and Safety Code.

(H) "Person" has the meaning assigned to that term by Section 25118 of the Health and Safety Code.

(I) "Mitigation" has the meaning of any actions taken to remove persons from an area deemed hazardous, relocation of those persons and the continued actions to prevent unauthorized entry to the hazardous area. (Ord. 92-3)

Sec. 6603. Liability for Unauthorized Disposal or Release. If the City takes any corrective action which, in the judgement of either the City Administrator or his/her appointed officer, is reasonably necessary to remedy or prevent an imminent substantial danger to the public health, domestic livestock, wildlife or the environment arising out of any unauthorized disposal or release of any hazardous waste or substance, the following described persons shall be jointly and severally liable to the City for the cost incurred by it in taking any such corrective action:

(A) The person or persons whose negligent or willful act or omission proximately caused such disposal or release; and

(B) The person or persons who owned or had custody or control of the hazardous waste or substance at the time of such disposal or release, without regard to fault or proximate cause; and

(C) The person or persons who owned or had custody or control of the container which held such hazardous waste or substance at the time of or immediately prior to such disposal or release, without regard to fault or proximate cause. (Ord. 92-3)

Sec. 6604. Liability for Failure to Comply with Orders. If the City Administrator or his/her appointed officer issues a lawful order directing any person who has violated or is in violation of any provisions of the hazardous waste or substance control laws to take corrective action respecting such violation, and if such person does not take such corrective action on or before the date and time specified in the order, the City may take or contract for the taking of such corrective action. If such corrective action is taken by or contracted for by the City, the person to whom the order was directed shall be liable to the City for the cost incurred by it in taking or contracting for such corrective action. If such corrective action is taken by the person to whom the order is directed, or by such person's agent, the person to whom the order is directed shall be liable to the City for the cost of supervising such corrective action or otherwise verifying compliance with the order. (Ord. 92-3)

Sec. 6605. Computation of Costs. The costs referred to in Sec. 6603 and Sec. 6604 shall include, in addition to the City's direct out-of-pocket expenses, the cost of all City personnel engaged in such work computed in accordance with the City's standard accounting procedures for computing the hourly cost of services by such personnel, all costs of recovery of funds, and any other costs or fees set by resolution. (Ord. 92-3)

Sec. 6606. Recovery of Costs where Real Property is not the Subject of Enforcement. Where real property

is not the subject of the enforcement, the amount of such costs for which liability is imposed, pursuant to this Chapter, shall be recoverable in a civil action by the City and shall be in addition to any other fees or penalties authorized by law, provided that any sums actually received by the City in connection with such work pursuant to Chapter 6.8 (commencing with Sec. 25300) of Division 20 of the Health and Safety Code shall be credited against any amount recoverable in such civil action. (Ord. 92-3)

Sec. 6607. Levy, Collection and Enforcement of Special Assessment upon Real Property. The following procedure shall apply concerning the levy, collection and enforcement of a special assessment for the recovery of costs as provided by Sec. 6605.

(A) On or before June 1st of each year, the Finance Director or his/her appointed officer, shall give notice to each real property owner to be levied by causing personal service to be made upon the owner, agent or person in control of the subject real property, or by depositing such notice in the United States Mail, postage prepaid, addressed to the owner of the subject real property, at the address shown by the last equalized assessment roll. The notice shall bear the date of personal service or mailing and shall set forth the rights and procedures governing a request for hearing as provided for herein.

(B) Within ten (10) days of the date of the notice, the owner or any other person interested in the subject real property may request a hearing on the correct amount of the proposed assessment. Such request shall be in writing and shall state the objections, name and address of the person filing the request. The request shall be filed with the City Administrator's office.

(C) If a hearing is requested, notice of the hearing shall be mailed, by registered mail, at least ten (10) days before the hearing to the party requesting the hearing. The hearing shall be conducted by the City Administrator who shall not be limited by the technical rules of evidence and shall hear all facts and testimony he/she deems pertinent. The decision of the City Administrator is a final order.

(D) Any interested party may appeal the decision of the City Administrator by filing a written notice of appeal with said Director within five (5) days after his/her decision. Such appeal shall be heard by the City Council which may affirm, modify, or reverse the order or take other action it deems appropriate. The City Clerk shall give written notice of the time and place of the hearing to appellant, by registered mail, at least ten (10) days before the hearing. In conducting the hearing, the council shall not be limited by the technical rules of evidence.

(E) On or before July of each year, the City Administrator or his/his appointed officer, shall prepare a list of parcels of real property which are subject to such costs. On or before the fifteenth day of July of each year the City Administrator, or his/her appointed officer, shall transmit such list to the County Auditor and request the Auditor to enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll.

(F) The assessment shall be included on the bills for taxes levied against respective lots and parcels of real property, and such assessment shall be listed separately on the tax bill. Thereafter, the amounts of such assessment shall be collected at the same time and in the same manner as county taxes are collected.

(G) San Luis Obispo County may deduct its reasonable costs incurred for its services in connection with such collection before remittal of the balance to the City treasury.

(H) All laws applicable to the levy, collection, and enforcement of county taxes are applicable to such special assessment made pursuant to this Chapter. (Ord. 92-3)