

Chapter 16.56 - Amusement Arcades

- 16.56.010 Development Standards and Use Conditions
- 16.56.020 Existing Businesses

16.56.010 Development Standards and Use Conditions

All amusement centers or arcades will be subject to the following restrictions and requirements:

- A. No arcade will be permitted within 200 feet of any school, church, hospital, convalescent hospital, retirement home, residence, or public playground. The 200-foot distance will be measured from the front entrance of the arcade building to the nearest property line of the use listed in this division.
- B. All windows must be kept clear of any item or tint that obscures full view from the exterior to inside the business.
- C. All arcades must obtain a Conditional Use Permit. In deliberating the granting of a Conditional Use Permit, the following factors will be considered:
 - 1. Possible requirements for parking of vehicles, bikes and mopeds;
 - 2. Possible requirements for restroom facilities;
 - 3. Possible restrictions on food and alcohol consumption on the premises;
 - 4. Possible restriction of operating hours and use of the premises by school children during school hours;
 - 5. Possible requirements for adult supervision and/or security;
 - 6. Possible requirements for outdoor lighting and trash receptacles;
 - 7. Possible limitation on the number of machines allowed per square footage of public floor space;
 - 8. Possible requirement for change machine or insurance of availability of change;
 - 9. Possible requirement for indoor lighting and noise-attenuation devices;
 - 10. Possible requirement for a camera/video surveillance system;
 - 11. Possible requirement for "no loitering" signs;

10. Any other factors which could cause a detrimental atmosphere to the community so as to limit disturbances to the residents of the City; and

11. The proximity of the arcade to any residential uses.

D. The Planning Commission will have the authority to deny a Conditional Use Permit for an amusement arcade if the Commission determines that the arcade cannot be operated in a given location in a manner that will not generate problems or incompatibilities with neighboring uses.

16.56.020 Existing Businesses

Any person, upon the effective date of this Section, operating an arcade and holding a valid business license for such operation, is exempt from the provisions of this Section; provided, however, that no expansion of the use will be permitted without the facility complying with the provisions of this Section. Expansion will include any increase in the number of machines or in floor area after upon the effective date of this Chapter.

Chapter 16.58 - Alcoholic Beverage Sales

- 16.58.010 Development Standards and Use Conditions
- 16.58.020 Existing Businesses
- 16.58.030 Temporary Alcohol Sales

16.58.010 Development Standards and Use Conditions

Any use providing alcohol beverage sales for either on-site or off-site consumption is subject to the following standards and conditions on use:

- A. All new sales of alcohol, with the exception of temporary sales as specified in Section 16.58.030 of this Chapter, must obtain a Conditional Use Permit.
- B. A new alcohol sales use may only be established in a location such that the proposed use will not contribute to undue concentration of such uses in an area where additional such uses would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, traffic problems and capacity.
- C. Except for temporary sales of alcohol, sale of alcoholic beverages within 300 feet of a public or private school is prohibited on weekdays between the hours of 7:00 a.m. and 6:00 p.m.
- D. The proposed use must not adversely affect adjacent or nearby properties.
- E. Adequate litter receptacles must be provided.
- F. Where the proposed use is near residential uses, it must be limited in hours of operation, or designed and operated, so as to avoid disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.
- G. No signs advertising any kind of alcoholic beverage, including beer, which will be easily visible from the exterior of the business will be permitted.
- H. Windows must be kept free of signs and other obstructions to allow visual inspection from the outside.
- I. The property owner/operator/applicant and the City must enter into an enforcement agreement to facilitate the control of the sale of alcohol, inclusive of spirits, distilled liquor, beer and wine at this site before selling alcohol on the subject property. This agreement will be subject to review and approval of the City Council. The agreement must also obligate any heirs, assigns, and other future owners/operators of the establishment, or must be replaced by a new similar agreement.

16.56.020 Existing Businesses

- A. Any establishment, upon the effective date of this Chapter, currently holding an active alcohol sales license from the State of California Bureau of Alcoholic Beverage Control (ABC) to sell alcoholic beverages, is exempt from the provisions of this Chapter; provided, however, that no expansion of the use will be permitted without the facility complying with the provisions of this Chapter, including the securing of a Conditional Use Permit. Expansion includes any increase in square footage of a business, or request for increase in license privileges after the effective date of this Chapter.
- B. All sales of alcohol legally established prior to the City's requirement for a Conditional Use Permit will expire in the event that the licensee or owner closes the establishment for more than 30 days, except in the case of a remodeling, fire, natural disaster, or other physical calamity beyond the control of the owner. In such cases, the use will expire within one year.

16.56.030 Temporary Sales of Alcoholic Beverages

- A. Notwithstanding the provisions of Chapter 16.15 (Commercial Zones), sales of alcoholic beverages may take place for a maximum of one day without the necessity of obtaining a conditional use permit. Such one-day events are prohibited within 1,000 feet of community street fairs, carnivals, festivals and parades which have been approved by the City Council. However, this prohibition does not preclude the sale of alcohol at these community events if approved by the City Council.
- B. Temporary sales lasting not more than three days, or any portion thereof over one, must be approved in advance by the City Council. The Council may establish conditions regarding such sales to assure compliance with city codes and the health, safety and welfare of the public. The City Council may deny such requests if it finds that the prior history of the organization or individual requesting the sale warrants such a denial or if the potential impacts of traffic congestion, loitering, crime, public drunkenness or other problems appear to be of a magnitude that cannot be overcome through the imposition of conditions. Such events are prohibited within 1,000 feet of community street fairs, carnivals, festivals and parades that have been approved by the City Council. However, this prohibition will not preclude the sale of alcohol at the site of these community events if approved by the City Council.

Chapter 16.60 – Child Day Care Facilities

- 16.60.010 Development Standards and Use Conditions
- 16.60.020 Child Day Care Centers
- 16.60.030 Small Family Day Care Homes
- 16.60.040 Large Family Day Care Homes

16.60.010 Development Standards and Use Conditions

- A. All child day care facilities must comply with all applicable state licensing laws at all times.
- B. Required parking spaces must be provided for all child day care facilities in accordance with Chapter 16.46 (Off-street Parking and Loading) of this Title 16.
- C. Outdoor play areas must be provided consistent with state requirements, based on maximum capacity. Outdoor play areas must not be located within required front yards or street facing side yards of residential properties, or within 20 feet of the ultimate public right-of-way for commercial or industrial properties.
- D. All child day care facilities must comply with noise standards for the underlying zone, as outlined in Chapter 93 of the Santa Paula Municipal Code and the Noise Element of the City of Santa Paula General Plan.

16.60.020 Child Day Care Centers

Child Day Care Centers as defined in Section of 1596.76 of the California Health and Safety Code are permitted in the C-G General Commercial zones, subject to design review as outlined in Chapter 16.226 of this Title 16, and conditionally in all residential, commercial and light industrial zones, pursuant to Chapter 16.218 (Conditional Use Permits).

A. Operating Standards

The following operating standards apply for day care centers.

1. The hours of operation for any child day care center must be compatible with the permitted uses in the surrounding area.
2. Outdoor activities may only be conducted between the hours of 8:00 a.m. and 6:00 p.m. in residential zones and 6:00 a.m. and 7:00 p.m. in all other zones.
3. No outdoor play area may be located within 10 feet of a residentially zoned property.

4. Where a child day care center abuts a property in a residential zone, a masonry wall of minimum height 6 feet, with screen landscaping, must be erected and maintained between the two uses.
5. In addition to the parking requirements outlined in Chapter 16.46 (Off-street Parking), three (3) parking spaces must be provided for the loading and unloading of children. Where on-street parking is available along the street frontage of the day care center, only two (2) of these spaces are required on site.
6. Loading and unloading areas must be located so that children do not cross traffic to reach the facility. The Loading and unloading areas must be designed to minimize interference with traffic and promote safety of the children.
7. The provider must secure the appropriate child day care license, as required by the State of California Department of Social Services. Proof of such license must be submitted to the Planning Director prior to a certificate of occupancy being issued to the day care center.

16.60.030 Small Family Day Care Homes

Small family day care homes as defined in Section of 1597.44 of the California Health and Safety Code are permitted by right in all residential zones in the City, pursuant to California Health and Safety Code Section 1597.45. The provider must secure a small family day care home license from the State of California Department of Social Services. In accordance with Section 1597.45 of the California Health and Safety Code, small family daycares homes are not required to obtain a City of Santa Paula business license or home occupation permit.

16.60.040 Large Family Day Care Homes

The purpose of this Section is to set forth the standards, restrictions, and requirements for the operation of large family day care homes, as defined in California Health and Safety Code Section 1597.465, on properties zoned for single-family dwellings. Large family day care homes are permitted as an accessory use for a dwelling located in a residential zone, subject to design review as outlined in Chapter 16.226 of this Title 16, and pursuant to the California Health and Safety Code Section 1597.46(a)(2).

A. Operating Standards

The following operating standards apply for large family day care homes.

1. Parking

- a. One (1) parking space for each employee not residing in the Large Family Day Care Home dwelling, plus the two (2) parking spaces required for the occupants of the single family residence as required in Chapter 16.46 (Off-Street Parking).
- b. Three (3) parking spaces for the loading and unloading of children. Where on-street parking is available along the street frontage of the Large Family Day Care Home site, only one (1) of these spaces are required on site.
- c. Not more than three (3) of the parking spaces required herein, located side by side, will be permitted within the required front yard setback area, provided that such parking space does not block a public sidewalk or right-of-way.
- d. Up to two (2) of the required on-site parking spaces may be located in tandem behind the required parking spaces for the occupants of the dwelling or for employees. However, in no instance will such tandem parking result in more than one (1) parking space behind each required occupant or employee parking space.

2. Traffic Control

- a. Residences located on major arterial streets must provide a child drop-off/pick-up area designed to prevent vehicles from backing onto the major arterial roadway.
- b. The width of the street fronting the Large Family Day Care may not be less than the State of California standard minimum street width, which is 40 feet.

3. Noise

Noise from outdoor play areas must be kept to a level consistent with residential neighborhoods. To reduce possible noise impacts, outdoor play/activity areas must only be used between the hours of 8:00 a.m. to 6:00 p.m. The operation of the facility must comply with residential noise standards contained in Section 16.42.070 (Performance Standards, Noise) and the Noise Element of the City of Santa Paula general plan.

4. Separation

As a means to maintain the integrity of residential neighborhoods, new large family day care homes must not be located within 300 feet of an existing state licensed large family day care home or within 300 feet of any other child day care center licensed to care for thirteen (13) or more children.

5. Residential Use

In accordance with Section 1597.43(a) of the California Health and Safety Code, the Large Family Day Care Home must not fundamentally alter the nature of the underlying residential use. Accordingly, the following standards apply to large family day care homes:

- a. The residence must be in compliance with the development standards for the zone, including, but not limited to, minimum lot size, lot coverage, parking, fencing, and screening of trash receptacles.
- b. The proposed use must comply with all State Fire Marshal requirements for building and safety that apply to large family daycare homes, and with all local building and fire codes which apply to single-family residences.
- c. The day care home must be the principal residence of the provider, and its use as a daycare home must be clearly incidental and secondary to the use of the property for residential purposes.
- d. The facility must be operated in a manner so as not to appear as a commercial operation, and the property must be maintained to preserve the general appearance and character of the residential neighborhood. Play equipment must not be located within the required front yard setback of the property so as to appear as a commercial child-care center.
- e. No structural changes may be proposed that will alter the character of the building as a residence.
- f. The facility will be operated in a manner that will not adversely affect adjoining residences nor be detrimental to the character of the residential neighborhood.
- g. Signs for the day care home must comply with the Chapter 16.48 for signs in residential zones.
- h. The provider must secure a large family day care home license, as required by the State of California Department of Social Services.

B. Application Procedures

An application for Design Review must be filed with the Planning Department pursuant to Chapter 16.226. Operation of a large family daycare is not subject to a home occupation permit; however, such facilities must secure a business license with the City of Santa Paula.

C. Pre-existing Large Family Day Care Homes

1. Those Large Family Day Care Homes that exist on the effective date of this Title, and on that date have a valid Large Family Day Care Home license issued by the State of California, are considered legal non-conforming uses. Such non-conforming use may continue until the renewal date required for State of California licensing of the provider's large family day care home. If the provider does not apply for approval of his/her large family day care home pursuant to this chapter by the date required for state licensing renewal, then the legal non-conforming use will be deemed to terminate.

2. In those instances where an application has been filed in a timely manner, and the Director finds that numerous conditions must be applied to make the non-conforming large family day care home consistent with this chapter, the Director may extend the valid non-conforming use status up to five (5) years. This extension by the Director would be granted only as a means to give the applicant adequate time to satisfy the operating standards provided in this section. If the operating standards are not satisfied within the extension period granted by the Director, the legal non-conforming use will terminate.

Chapter 16.62 – Assembly Halls

- 16.62.010 Definitions
- 16.62.020 Compliance with Permit Requirements
- 16.62.030 Parking Requirements
- 16.62.040 Compatibility with Surrounding Uses

16.62.010: **Definitions**

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter:

- A. “Assembly Hall” means a building, or portion of a building, used for large scale public or private gatherings of people. For example, and without limitation, assembly halls include private educational facilities; religious institutions; clubs; lodges; and similar kinds of facilities whether available for public or private use.

16.62.020: **Compliance with Permit Requirements**

Any ancillary uses affiliated with an assembly hall must be specifically identified and permitted by a validly issued conditional use permit pursuant to this chapter or be separately permitted in accordance with the requirements for that zone. For example, and without limitation, a day care center or private school associated with an assembly hall must be identified as an authorized use in the conditional use permit.

16.62.030: **Parking Requirements**

- A. Off-street parking must be provided in accordance with the requirements set forth in this Title including, without limitation, landscaping requirements.
- B. Where an assembly hall is established in a residential zone, the required front yard may not be used for parking vehicles.

16.62.040: **Compatibility with Surrounding Uses**

- A. All buildings, structures, and landscaping must be developed and maintained in a manner compatible with development on surrounding properties.
- B. For assembly halls located within or adjacent to a residential zone, the Planning Commission may condition hours of operation to ensure compatibility with adjacent residential uses.”

Chapter 16.64 – Community Care Facilities

- 16.64.010: Definitions
- 16.64.020: Conditional Use Permit Required
- 16.64.030: Findings Required

16.64.010: Definitions

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not given a meaning by this section have the meaning set forth in this Title and as set forth in Health & Safety Code § 1502.

- A. “Community Care facility” or “group home” has the same meaning as set forth in Health and Safety Code § 1502 where six (6) or more persons live together.
- B. “Overconcentration” means the presence of one or more community care facilities, or similar uses, located within three hundred (300) feet of a proposed community care facility site.

16.64.020: Conditional Use Permit Required

Community care facilities require a conditional use permit issued pursuant to this Title and may only be located in general commercial, residential, and mixed-use residential/commercial zones.

16.64.030: Findings Required

A conditional use permit may be issued if the planning commission, or, if applicable, the city council finds as follows:

- A. Permitting the use would not result in an overconcentration of community care facilities within the area where the facility is proposed to be operated.
- B. The proposed community care facility would not be located within one (1) mile of an elementary school if a person convicted of a sex offense against a minor pursuant to Health and Safety Code § 1564 would reside at the community care facility;
- C. The proposed community care facility can be developed and maintained in a manner compatible with surrounding land uses;
- D. Permitting the use would not otherwise be detrimental to public health, safety, or welfare, subject to the limitations of applicable law.”

Chapter 16.66 - Drive-through Facilities

- 16.66.010 Intent and Purpose
- 16.66.020 Development Standards and Conditions

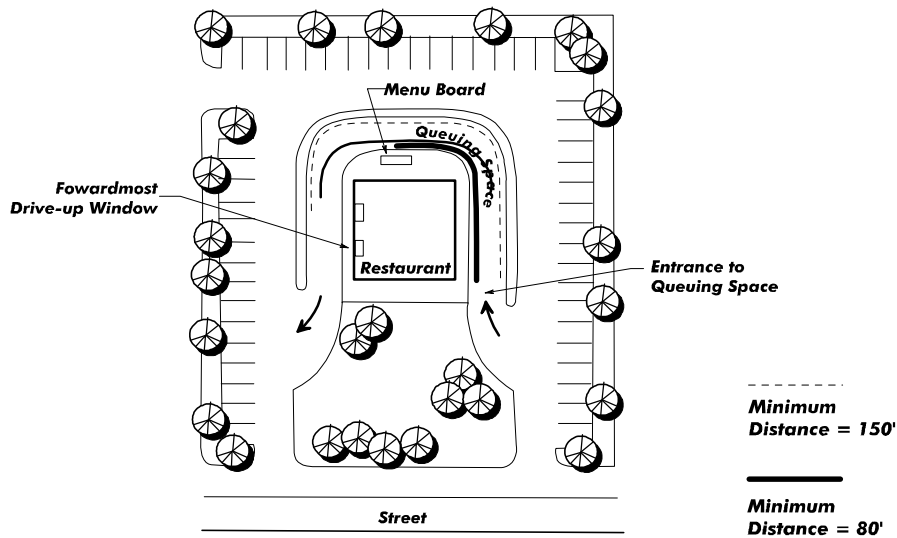
16.66.010 Intent and Purpose

The purpose of this Section is to ensure that drive-through facilities do not result in adverse impacts on adjacent properties and residents or on surrounding neighborhoods due to customer and employee parking demand, traffic generation, noise, light, litter, or cumulative impact of such demands in one area, consistent with the goals, objectives, and policies of the General Plan.

16.66.020 Development Standards and Conditions

Drive-through facilities may be permitted only with approval of a Conditional Use Permit. The use must comply with the property development standards of the underlying district, as well as the provisions of this Section.

- A. The minimum lot size of any drive-through facility must be 20,000 square feet.
- B. The following standards apply:
 - 1. When located on a site adjacent to or separated by an alley from any residentially zoned property, a drive-through facility must not operate between the hours of 10:00 p.m. and 7:00 a.m.
 - 2. Drive-through facilities must have two-way driveways.
 - 3. Minimum queuing distances must be provided as illustrated in Figure 66-1.
 - 4. A parking and vehicular circulation plan encompassing adjoining streets and alleys must be submitted for review and approval by the City Engineer Services prior to approval of a Conditional Use Permit.
 - 5. A minimum of 1 outdoor trash receptacle must be provided on-site adjacent to each driveway exit. At least 1 additional on-site outdoor trash receptacle must be provided for every 10 required parking spaces.
 - 6. Employees must collect on-site and off-site litter including food wrappers, containers, and packaging from restaurant products generated by customers within a radius of 300 feet of the property at least once per business day.



*Figure 66-1
Drive-through Facilities*

7. No noise-generating compressors or other such equipment must be placed on or near any property line adjoining any residential district or any property used for residential purposes.
8. Drive-up or drive-through speaker systems must not emit more than 50 decibels 4 feet between the vehicle and the speaker and must not be audible above the daytime ambient noise levels beyond the property boundaries. The system must be designed to compensate for ambient noise levels in the immediate area and must not be located within 30 feet of any residential district or any property used for residential uses.
9. On any lot where a drive aisle or driveway is located such that vehicle headlights will shine onto an adjacent property zoned for residential use, a screen wall must be provided to the satisfaction of the Planning Director.

CHAPTER 16.68 NEWSRACKS

16.68.010 Purpose

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Division 6 Preexisting Newsracks

16.68.360 Existing Newsracks

16.68.010 PURPOSE.

This chapter is adopted in accordance with California Constitution Article XI, § 7, for the purpose of establishing uniform regulations for allowing newsracks to be placed within the public right-of-way. The city's intent in adopting this chapter is to establish reasonable time, place, and manner restrictions on the commercial use of public right-of-ways in order to preserve public health, safety, and welfare.

DIVISION 1 – GENERAL PROVISIONS

16.68.020 DEFINITIONS.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter.

- A. "Administrator" means the city manager or designee;
- B. "Blinder rack" means any opaque material placed in front of the harmful matter and within the publication vending machine which prevents exposure to public view.
- C. "Driveway" means a surfaced area which is designed or used for vehicular access between a lot and a public street;
- D. "Harmful matter" means matter which when taken as a whole, predominantly appeals to the prurient interests of the average person, applying contemporary statewide standards, meaning a shameful or morbid interest in nudity, sex, or excretion, and which is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and lacks significant literary, artistic, political, educational, or scientific value for minors. When it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups, the predominant appeal of the matter must be judged with reference to its intended recipient group.
- E. "Lot" has the same meaning as set forth in the zoning regulations of this Code;

- F. "Newsrack" means any self-service coin-operated box, container, storage unit or other dispenser designed, used or maintained for the display or sale of any written or printed material, including, without limitation, newspapers, news periodicals, magazines, books, pictures, photographs and records;
- G. "Permit" means a permit issued to a person pursuant to this chapter allowing a newsrack to be installed within a specifically designated portion of a public right-of-way. "Permit" may also include a uniform newsrack permit issued in accordance with this chapter;
- H. "Permittee" means a person or entity to whom a permit was issued pursuant to this chapter.
- I. "Public Right-of-Way" means any city street, sidewalk, pedestrian path, bike path or any other "public way," as defined by California Streets & Highways Code § 18609, and any successor statute.
- J. "Public street" means any city street or public right-of-way including, without limitation, the curb and gutter.
- K. "Uniform newsrack" means a newsrack of a style, size and color designated by council by resolution for permanent installation.

16.68.030 ADMINISTRATION.

The administrator is authorized to receive applications, issue and revoke permits, and otherwise administer and implement this chapter.

16.68.040 PROHIBITIONS.

It is unlawful for any person to install, place or maintain a newsrack or uniform newsrack in any public right-of-way that violates any provision of this chapter including, without limitation, failing to obtain a permit issued pursuant to this chapter.

16.68.050 ENCROACHMENT PERMITS.

Persons who obtain a permit pursuant to this chapter are not required to also obtain an encroachment permit under this code to install newsracks.

16.68.060 NOTICES.

- A. Where the provisions of this chapter require that an applicant/permittee be served with notice, such notice is deemed served when personally delivered to the applicant/permittee; when deposited in first class United

States Mail, addressed to the applicant/permittee's last known address; or when sent via facsimile to the applicant/permittee's last known facsimile number.

- B. Unless otherwise provided, written notification to a permittee/applicant of a permit decision will state with particularity the basis for such decision.

16.68.070 FEES.

All fees applicable to this chapter are established by city council resolution.

DIVISION 2 – PERMITS

16.68.080 APPLICATION FORM AND CONTENT.

- A. Permit applications must be filed by a natural person in the name of each applicant proposing to obtain a permit.
- B. Every application must be signed by the applicant, or the applicant's authorized representative, under penalty of perjury.
- C. Permit applications, and permits, will be in a form prescribed by the administrator and contain all of the following information:
 - 1. The name, mailing address, and daytime and evening telephone numbers of the person filing the application;
 - 2. The proposed location for the newsrack; and
 - 3. Such additional information as the administrator may reasonable require to process the application.
- D. Applications must be accompanied by a permit fee.

16.68.090 CHANGE IN APPLICATION INFORMATION.

- A. Whenever any change occurs in the information contained in the permit, the permittee must give the administrator written notice of the change within thirty (30) days of the date that the change becomes effective.
- B. If a permittee fails to give the administrator timely written notice of a change in the information contained in the application, the administrator may charge the permittee an additional administrative fee.

16.68.100 TIME FOR REVIEWING APPLICATION.

After receiving a completed application, the administrator must review the application and either issue or deny a permit within thirty (30) days.

16.68.110 PERMIT ISSUANCE.

- A. The administrator must issue a permit if
 - 1. The application was complete in accordance with this chapter;
 - 2. There are no grounds for denying the permit; and
 - 3. The applicant accepts the permit in writing.
- B. Use of any permit issued pursuant to this chapter must conform to the permit conditions of this chapter.

16.68.120 PERMIT DENIAL.

A permit can be denied for the following reasons:

- A. The application is incomplete;
- B. The applicant failed to provide reasonable supplemental application information requested by the administrator;
- C. Information submitted by the applicant is materially false;
- D. The application is submitted by a person with a suspended permit or whose permit was revoked; or
- E. The application seeks authorization for a newsrack that is prohibited by this code or unlawful under any other local, state, or federal law.

16.68.130 NOTICE OF DENIAL.

Where the administrator denies a permit, the administrator must serve notice to the applicant.

16.68.140 EXPEDITED REVIEW.

Pursuant to California Code of Civil Procedure § 1094.8(c), and any successor statute or regulation, the permits under this chapter are designated for expedited judicial review pursuant to the procedure set forth in California Code of Civil Procedure § 1094.8, or any successor statute or regulation.

16.68.150 TERM; RENEWAL.

Unless suspended or revoked, permits issued pursuant to this chapter have a term of one (1) year. Permits must be renewed not later than thirty (30) days before they expire in order to be maintained. Should a permit expire, the permittee must comply with this chapter to obtain a new permit.

16.68.160 UNIFORM NEWSRACKS.

- A. By resolution, the council may from time to time establish uniform newsrack locations. The council must first hold a public hearing, for which notice must be sent at least fifteen (15) days in advance to all persons requesting notice, or whose name and address appears on an existing newsrack in the subject location, and after such hearing must find that the location carries a substantial volume of pedestrian or vehicular traffic, that uniform newsracks are feasible at the location, and that it is in the public interest for such newsracks.
- B. The resolution must describe the location; designate the particular point(s) at that location where uniform newsracks may be installed; specify the maximum number of uniform newsracks to be allowed at the location; and specify the style, size, color or other attributes required of uniform newsracks at the location. Such specification should not require uniform newsracks made by any particular manufacturer. The resolution may direct the administrator to install a kiosk(s), pedestal(s), or other support structure to accommodate a stated number of newsracks.
- C. No person may install a uniform newsrack at a uniform newsrack location without first obtaining a uniform newsrack permit from the administrator.
- D. Upon the adoption of a resolution by council establishing a uniform newsrack location, interested persons may apply for such permit. The administrator must hold all such applications for thirty (30) days after the date the resolution was adopted and may then issue all permits applied for up to the maximum number established, if any, in the resolution.
- E. Permits are determined by a random selection process. The first application identified by random selection will be issued a permit for the most favorable location, and so on until the maximum number, if any, is reached. Applicants seeking permits for more than one newsrack in a single location will be allotted adjacent spaces. The remaining applications must be denied and the applicants notified. Where fewer applications are received than the maximum number of positions allowed by the resolution, permits for the remaining positions may be allotted on a first-come, first-served basis.

- F. Each year, during the month of December, the administrator must draw lots in the above manner for permits for the next calendar year from among those holding permits and any new applications received by December 1st.
- G. The council may at any time, on its own motion or upon request of any person, by resolution, increase the maximum number of available positions. In the event of such increase, or in the event a position becomes available by abandonment or otherwise, such position(s) must be allotted by the above procedure.
- H. Upon being granted a permit, the applicant may permanently install a uniform newsrack as described in the resolution, either affixing it to the pavement or ground, or in the event the resolution directs the administrator to install support structures, then to such support structure.
- I. A uniform newsrack permit will, in addition to all other provisions of this section, be conditioned with all other requirements of this chapter.

DIVISION 3 – PERMIT CONDITIONS; NEWSRACK REGULATIONS

16.68.170 PERMIT CONDITIONS.

Permits issued pursuant to this chapter have the following general conditions:

- A. Permittees must maintain a valid business license issued pursuant to this code;
- B. Permittees must pay all fees required by this chapter.
- C. Newsracks cannot unreasonably:
 - 1. Interfere with or impede the flow of pedestrian or vehicular traffic.
 - 2. Interfere with or impede ingress or egress from any residence or place of business located adjacent to a public right-of-way.
 - 3. Interfere with any public utility facility located within the public right-of-way or in close proximity thereto.
- D. Except as otherwise provided, newsracks must be placed within the public right-of-way.
- E. Permittees must enter into a hold harmless agreement with the city which

will, in part, indemnify city, its officers, employees, and agents, from any liability arising from a permittee's activities in a form approved by the city attorney's office.

- F. Permits are not transferable to another person or to another location.
- G. The name, address, and telephone number of the permittee must be permanently affixed to newsracks.
- H. Each newsrack must have affixed to it in a readily visible place a notice setting forth the name and address of the person responsible for maintaining the newsrack and a working telephone number to call to report a malfunction, or to obtain a refund in the event of a malfunction of the coin-return mechanism.
- I. Each newsrack must be maintained in accordance with this Code.

16.68.180 INSTALLATION REQUIREMENTS.

Each newsrack must comply with each of the following requirements:

- A. Size: No newsrack may exceed five feet (5') in height, thirty inches (30") in width, or two feet (2') in depth.
- B. Placement: Newsracks may only be placed in a public right-of-way near a curb or adjacent to a wall of a building. The rear of newsracks placed near a curb must be placed not less than eighteen inches (18") nor more than twenty four inches (24") from the face of the curb. The rear of newsracks placed parallel to a wall or building must be placed not more than six inches (6") from the wall or building. No newsrack may be placed or maintained in a public right-of-way opposite one or more newsracks.
- C. Groups of Newsracks: Newsracks may be placed next to each other; provided, that no group of newsracks must extend more than ten feet six inches (10'6") along a curb or wall and a space of no more or less than three feet (3') must separate each group of newsracks from another group of newsracks. There may be no more than three (3) of the above described groups of newsracks located on a public right-of-way within a block.
- D. Anchoring: Each newsrack must be securely anchored to the ground or sidewalk.
- E. Each newsrack, that require patrons to pay for a newspaper, must be equipped with a working coin-return mechanism to permit a person using the machine to obtain an immediate refund in the event a person is unable

to receive the publication paid for. The coin-return mechanisms must be maintained in good working order.

16.68.190 PROHIBITED AREAS.

Notwithstanding any other provision of this chapter, no newsrack may be placed, installed, used or maintained as follows:

- A. Within one foot (1') of any area improved with lawn, flowers, shrubs or trees;
- B. Within three feet (3') of
 - 1. The entrance or exit to any building;
 - 2. Any display window in any building abutting a sidewalk or public right-of-way. No newsrack may be located directly in front of any display window of any building abutting a public right-of-way without the written consent of the person or entity legally in occupancy or otherwise in control of the premises on which the display window is located. Proof of such consent must be included in the permit application. If such consent is withdrawn, any newsrack placed in front of a display window must be removed within fourteen (14) days of the date of written notice from the city to the owner of such newsrack.
- C. Within five feet (5') of
 - 1. Any marked crosswalk.
 - 2. The curb return of any intersecting public streets.
 - 3. Any fire hydrant, fire call box, police call box or any other emergency facility.
 - 4. Any designated bus stop area or any sign marking a designated bus stop.
 - 5. Bus bench.
 - 6. Any curb painted blue, pursuant to the provisions of California Vehicle Code § 21458;
- D. Within ten feet (10') of any driveway.
- E. In any location whereby the clear passage on a sidewalk for pedestrian

traffic is reduced to less than five feet (5').

- F. Within any public street;
- G. Within one hundred feet (100') of a newsrack containing the same edition of the same publication, except where bulk of a particular edition is such that more than one rack is required, in which case said newsracks must be placed side-by-side;
- H. Within three hundred feet (300') of a uniform newsrack location, except for any period, not to exceed thirty (30) days, during which a uniform newsrack permit has been granted at the location but the applicant has been unable to obtain a uniform newsrack;
- I. Chained or otherwise attached to any fixture. All newsracks must be permanently affixed to the pavement or otherwise anchored to a concrete base. Newsracks anchored to concrete bases must have a minimum weight of 100 pounds empty. Uniform newsracks which have been established and permitted pursuant to this chapter may be permanently affixed to the pavement or authorized support structures as established by city council resolution.
- J. Be used for advertising, selling or storing material other than that dealing with the display, sale or purchase of the publication sold therein.
- K. No newsrack may remain empty for a period of thirty (30) consecutive days.

16.68.200 MAINTENANCE.

Each newsrack must be maintained in a clean and attractive condition and in good repair at all times, and no issue or edition of any publication may be allowed to remain in any such newsrack for a period exceeding the publication period of the material offered for sale therein or thirty (30) consecutive calendar days after the date of the initial issuance or publication of such material, whichever is lesser. Specifically, but without limiting the generality of the foregoing, each newsrack must be reasonably free of dirt and grease; be reasonably free of chipped, faded, peeling and cracked paint; be reasonably free of rust and corrosion; have no broken cracked, dented, blemished or discolored plastic or glass parts; have no torn, peeling or fading paper or cardboard parts or inserts; and have no broken or misshapen structural parts.

16.68.210 HARMFUL MATTER.

Pursuant to California Penal Code § 313.1(d), any harmful matter displayed in a public place from which minors are not excluded must be concealed with blinder racks, so that the lower two-thirds of the material is not exposed to view.

DIVISION 4 – APPEALS

16.68.220 RIGHT OF ADMINISTRATIVE REVIEW.

Except as otherwise provided, an applicant may request administrative review of the administrator's decisions pursuant to this chapter including, without limitation, decisions regarding permit denial.

16.68.230 TIME FOR ADMINISTRATIVE REVIEW.

- A. Except as otherwise provided, a request for review must be commenced within five (5) days from the date on which written notice of the administrator's decision is served on the applicant/permittee.
- B. If a request is untimely, the administrator may, nevertheless, extend the time for commencing such review for good cause shown, but in no event may a request be filed more than thirty (30) days after notice was served.

16.68.240 COMMENCEMENT OF ADMINISTRATIVE REVIEW.

- A. A request for administrative review must be on a form provided by the administrator and contain the following information:
 - 1. The name, address and telephone number of the person making the request;
 - 2. A description of the decision, determination or order which is the subject of the review, and the date such decision, determination or order was made or issued;
 - 3. A brief description of all grounds for making the request; and
 - 4. Such other information as may be required by the administrator;
- B. A request for administrative review must be accompanied by a fee in an amount determined by city council resolution.

16.68.250 ADMINISTRATIVE REVIEW.

- A. Upon request for administrative review being filed, the administrator will provide a copy of the notice to the city manager within two (2) business days.

- B. Upon receiving a request for review from the administrator, the city manager will review the request and, within ten (10) business days of receiving the request notice, provide the appellant with a written notification that:
1. The administrator's decision is affirmed;
 2. The administrator's decision is modified;
 3. The administrator's decision is reversed and a permit is issued. Under such circumstances, the fee collected for an appeal must be returned to the permittee within thirty (30) days of the city manager's decision.
- C. The city manager may, but is not required to, conduct a hearing at a time and place determined at the city manager's sole discretion. In the event of a hearing, the rules of evidence will not apply. The city manager may consider such evidence as the city manager may deem reliable. The city manager may adopt such additional reasonable rules of procedure that may facilitate the progression of such a hearing.

16.68.260 CITY MANAGER DECISION FINAL.

The city manager's decision is final. There is no right to appeal a decision to the city council. Any court challenge must be filed within ninety (90) calendar days of the city manager's decision in accordance with California Code of Civil Procedure § 1094.6.

DIVISION 5 - ENFORCEMENT

16.68.270 MINOR VIOLATIONS.

In the case of minor violations of this chapter that can be corrected at the site, any city employee, as an alternative to removing the newsrack, is authorized to correct the violation summarily. The permittee will bear the cost of any such correction.

16.68.280 NOTICE OF HEARING FOR NEWSRACK REMOVAL.

- A. Upon discovering a newsrack that lacks a permit or otherwise violates this chapter, the administrator may take action to remove such a newsrack in accordance with this chapter.

- B. To initiate proceedings for removing newsracks, the administrator will cause written notice to be mailed and conspicuously posted on the newsrack . Notice must be titled in letters at least one inch in height and read substantially as follows:

Removal Hearing Notice

On _____, 20____, the City of Santa Paula will determine whether this Newsrack should be removed in accordance with the Santa Paula Municipal Code (“SPMC”). If the Newsrack is found to violate the SPMC and is not promptly removed by the owner, then the City may remove it and impound it at the owner’s expense. If the City removes the Newsrack, all costs associated with such removal, impoundment, and storage, must be paid by the owner before the Newsrack is returned.

The alleged violations consist of the following:

All persons having any objection to, or interest in, said matters should attend a hearing to be conducted by the City , to be held at _____ on _____, _____ at the hour of _____ .m., when their testimony and evidence will be heard and given due consideration.

Dated:

Administrator

- C. Mailing/posting. Notice of the hearing will be served by posting the newsrack and by registered or certified mail (postage fully prepaid) addressed to the newsrack owner . The notice must be posted on the newsrack and mailed at least ten (10) days before the hearing date. Proof of posting and mailing will be by declaration. Failure of any person to receive the notice will not affect the validity of any set forth in this chapter.
- D. The administrator is not required to wait ten (10) days to proceed if the intent to permanently abandon or vacate a newsrack or uniform newsrack location is confirmed in writing by the owner of such newsrack.

16.68.290 HEARING PROCEDURE.

- A. The hearing must be conducted by a hearing officer selected by the administrator. At the time set for such hearing, the hearing officer will conduct a hearing to determine, based upon the evidence presented, whether the newsrack violates this chapter. At the hearing, the hearing

officer will accept reliable evidence from any person if such evidence bears on the issue of whether the newsrack violates this chapter. The hearing officer is authorized to take testimony and is authorized to administer oaths or affirmations under the Code of Civil Procedure § 2093(a). Based upon the evidence submitted including, without limitation, any written staff reports regarding alleged violations, the hearing officer will determine whether or not the newsrack violates this chapter and should be removed.

- B. As soon as is practicable following the close of such hearing, the hearing officer will render a decision on the matter. If the newsrack is found to violate this chapter, the hearing officer will issue an order requiring the newsrack to be removed within a reasonable time and manner as set forth in the order. The hearing officer will promptly give written notice to the responsible person and any other interested person who requests, in writing, notice of such decision, including, a copy of the order. The order issued by the hearing officer will be deemed a final order and may be judicially reviewed pursuant to Code of Civil Procedure § 1094.6. There is no right to a city council appeal.

16.68.300 COMPLIANCE WITH REMOVAL ORDER.

At no cost to the city, the newsrack will comply with all of the provisions of a removal order. If the newsrack owner fails, for any reason, to comply with a removal order within the time required in the order, the administrator, will cause the newsrack to be removed and impounded by city forces or by private contractor.

16.68.310 RECOVERING CITY EXPENSES.

The administrator will keep an account of the costs, including incidental expenses, of removing, impounding, and storing such newsracks. Newsrack owners must pay the city all reasonable costs associated with the noticing, removal, and storage of the newsrack before regaining possession of such newsracks.

16.68.320 EMERGENCY REMOVAL.

Notwithstanding any other provision of this chapter, whenever the administrator, determines that a newsrack constitutes an immediate threat or hazard or danger to persons or property, the administrator, without observing procedures set forth in this chapter with reference to newsrack removals, will immediately cause such a newsrack to be removed in such manner as the administrator determines is reasonably required. If the administrator deems it feasible, the administrator may attempt to give the newsrack owner verbal notice of the danger and the proposed timing and removal of the newsrack. Where such removal is ordered, the

administrator will, after completing the removal of the newsrack, comply with the provisions of this chapter.

16.68.330 ABANDONMENT; DISPOSAL.

The owner of any impounded newsrack who fails to obtain the release of the newsrack within thirty (30) days after impoundment, is deemed to have abandoned the newsrack, and the newsrack may be disposed of by the administrator in the time and manner prescribed by law, for the disposal of abandoned personal property.

16.68.340 ENFORCEMENT.

- A. In addition to the remedies set forth in this chapter, violations of a permit may be enforced as follows:
 - 1. Prosecution as infractions or misdemeanors at the city attorney's discretion.
 - 2. Abated as a public nuisances.
 - 3. Enjoined as unfair business practices that are presumed to nominally damage each and every resident of the community in which the permittee operates.
- B. The remedies provided by this chapter are cumulative and in addition to any other criminal or civil remedies.

16.68.350 LIABILITY FOR FINES.

All fines, fees, penalties, and interest imposed pursuant to this chapter are civil debts owed to the city by the person fined. In the event that judicial action is necessary to compel payment of any debt owed to the city, the person or persons subject to the fine are also liable for the costs of suit and attorney's fees incurred by the city to collect the fine.

DIVISION 6 – PREEXISTING NEWSRACKS

16.68.360 EXISTING NEWSRACKS.

- A. Any person who owns or is entitled to possession of any newsrack located within a public right-of-way upon the effective date of this chapter, must either remove the newsrack or obtain a permit pursuant to this chapter within one (1) calendar year after the effective date of this chapter.
- B. If any such newsrack remains in place without a permit after the this time period, the administrator may begin removal proceedings as provided in this chapter.
- C. If the newsrack owner does not comply with the administrator's notice of removal, or does not appeal it, within the time set in such notice, the administrator may remove and impound the newsrack. The owner or other persons entitled to possession of the newsrack may obtain possession of such impounded newsrack in the time and manner set forth in this chapter."

Chapter 16.70 - Recycling Facilities

16.70.010	Permits Required
16.70.020	Permits for Multiple Sites
16.70.030	Criteria and Standards - Small Collection Facilities
16.70.040	Criteria and Standards - Reverse Vending Machines
16.70.050	Criteria and Standards - Large Collection Facilities
16.70.060	Criteria and Standards - Processing Facilities

16.70.010 Permits Required

Recycling facilities as defined in Section 16.05.190 of this Title 16 must obtain permits for operation as set forth in Table 70-1 and as subject to the land use regulations for specific zone districts set forth in Chapters 16.07 through 16.33 (Zoning Districts, Land Use Regulations and Development Standards) of this Title 16.

TABLE 70-1
Permits for Recycling Facilities

Type of Facility	Permit Required
Reverse Vending Machines	Design Review, unless within a fully enclosed building, whereby no permit is required
Collection Facility - Small	Design Review
Collection Facility - Large	Conditional Use Permit
Processing Facility - Light	Conditional Use Permit
Processing Facility - Heavy	Conditional Use Permit

16.70.020 Permits for Multiple Sites

A single Design Review application may be filed to allow more than one reverse vending machine(s) and/or small collection facility located on different sites under the following condition:

- A. The operator of each of the proposed facilities is the same;
- B. The proposed facilities are determined by the Planning Director to be similar in nature, size, and intensity of activity; and
- C. All applicable criteria and standards set forth in sections 16.70.030 and 16.70.040 below are met for each proposed facility.

16.70.030 Criteria and Standards - Small Collection Facilities

Small collection facilities must comply with the following conditions:

- A. All such facilities must be established in conjunction with an existing commercial use or community service facility that is in compliance with the zoning, building and fire codes of the City.
- B. All such facilities must be no larger than 500 square feet and provide no more than 5 parking spaces, not including any space that will be periodically needed for removal of materials or exchange of containers.
- C. All such facilities must be set back at least 10 feet from any street line and must not obstruct pedestrian or vehicular circulation.
- D. All such facilities must accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with permission of the City.
- E. No power-driven processing equipment may be used except for by reverse vending machines.
- F. All such facilities must use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected and collection schedule.
- G. All recyclable materials must be stored in containers or in the mobile unit vehicle. No materials may be left outside of containers when the attendant is not present.
- H. All such facilities must be maintained free of litter and any other undesirable materials. Mobile facilities, at which truck or containers are removed at the end of each collection day, must be swept at the end of each collection day.
- I. Attended facilities located within 100 feet of a property zoned or occupied for residential use may operate only between the hours of 9:00 a.m. and 7:00 p.m.
- J. Containers for the 24-hour donation of materials must be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.
- K. Containers must be clearly marked to identify the type of material that may be deposited.
- L. The facility must be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a

notice stating that material must not be left outside the recycling enclosure or containers.

- M. Mobile recycling units must have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
- N. If the permit expires without renewal, the collection facility must be removed from the site on the day following permit expiration.

16.70.040 Criteria and Standards - Reverse Vending Machines

Reverse vending machine(s) must comply with the following standards:

- A. Reverse vending machines must be established in conjunction with a commercial use or community service facility that is in compliance with the zoning, building and fire codes of the City.
- B. Reverse vending machines must be located within 30 feet of the entrance to the commercial structure and must not obstruct pedestrian or vehicular circulation.
- C. Reverse vending machines must not occupy parking spaces required for the primary use.
- D. Reverse vending machines must not occupy more than 50 square feet of floor space per installation, including any protective enclosure, and must be not more than 8 feet in height.
- E. Reverse vending machines must be constructed and maintained with durable waterproof and rustproof material.
- F. Reverse vending machines must be clearly marked to identify the type of material to be deposited, operating instruction, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
- G. Reverse vending machines must accept only glass, metals, plastic containers, papers or reusable items.
- H. Reverse vending machines will be permitted to have up to 4 square feet of sign area per machine, exclusive of operating instructions.
- I. All reverse vending machines must be maintained in a clean, litter-free condition on a daily basis.
- J. Operating hours must be at least the operating hours of the host use.
- K. Reverse vending machines must be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

16.70.050 Criteria and Standards - Large Collection Facilities

All large collection facilities must comply with following standards:

- A. The facility must be screened from the public right-of-way by operating in an enclosed building or:
 - 1. Within an area enclosed by an opaque fence at least 6 six feet high with landscaping to the satisfaction of the Planning Director;
 - 2. At least 150 feet from property zoned or planned for residential use; and
 - 3. Meets all applicable noise standards in this Title 16.
- B. Setbacks and landscape requirements will be those provided for the zoning district in which the facility is located.
- C. All exterior storage of material must be in sturdy containers that are covered, secured, and maintained in good condition or baled or palletized. Storage containers for flammable material must be constructed of nonflammable material. Oil storage must be in containers approved by the Fire Marshal. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.
- D. The site must be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis.
- E. If the facility is located within 500 feet of property zoned, planned, or occupied for residential use, it must not be in operation between the hours of 7:00 p.m. and 7:00 a.m..
- F. Any container provided for after-hours donation of recyclable materials will be at least 50 feet from any property zoned or occupied for residential use, must be of sturdy, rustproof construction, must have sufficient capacity to accommodate materials collected, and must be secure from unauthorized entry or removal of materials.
- G. Donation areas will be kept free of litter and any other undesirable material, and the containers will be clearly marked to identify the type of material that may be deposited. The facility must display a notice stating that material must not be left outside the recycling containers.
- H. Facility will be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zone; and directional signs, bearing no advertising message, may be installed with the approval of the Planning Director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way.

- I. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved through the Conditional Use Permit process.

16.70.060 Criteria and Standards - Processing Facilities

Processing facilities must comply with the following conditions:

- A. Processors must be operated only within a wholly enclosed building except for incidental storage.
- B. Power-driven processing will be permitted, provided all noise level requirements are met.
- C. A processing facility may accept used motor oil for recycling from the generator in accordance with California Health and Safety Code § 25250.11.
- D. Setbacks and landscaping requirements will be those provided for the zoning district in which the facility is located.
- E. All exterior storage of material must be in sturdy containers or enclosures that are covered, secured, and maintained in good condition, baled or palletized. Storage must be in containers approved by the Fire Marshal. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.
- F. The site must be maintained free of litter and any other undesirable materials, will be cleaned of loose debris on a daily basis, and will be secured from unauthorized entry and removal of materials when attendants are not present.
- G. One parking space will be provided for each commercial vehicle operated by the processing center. Parking requirements will otherwise be as mandated by the zone in which the facility is located.
- H. If the facility is located within 500 feet of property zoned or planned for residential use, the facility must not be in operation between the hours of 7:00 p.m. and 7:00 a.m. The facility will be administered by on-site personnel during the hours the facility is open.
- I. Any containers provided for after-hours donation of recyclable materials will be at least 50 feet from any property zoned or occupied for residential use; must be of sturdy, rustproof construction; must have sufficient capacity to accommodate materials collected; and must be secure from unauthorized entry or removal of materials.
- J. Donation areas must be kept free of litter and any other undesirable material. The containers must be clearly marked to identify the type of

material that may be deposited. Facility must display a notice stating that material must not be left outside the recycling containers.

- K. Sign requirements will be those provided for the zoning district in which the facility is located. In addition, facility will be clearly marked with the name and phone number of the facility operator and the hours of operation.
- L. Dust, fumes, smoke, vibration, and odor control must comply with the requirements of Chapter 16.42 (Performance Standards) of this Title 16.

Chapter 16.72 - Service Stations

16.72.010	Purpose and Intent
16.72.020	Conditional Use Permit Applicability and Requirements
16.72.030	Permitted Uses, Activities, and Services
16.72.040	Location
16.72.050	Development Standards
16.72.060	Signage
16.72.070	Conflict of Development Standard Provisions

16.72.010 Purpose and Intent

These regulations are established to promote and preserve the public health, safety, convenience, and general welfare by ensuring that automobile service stations are located and operated so as not to create increased pedestrian and vehicular traffic hazards and not be detrimental to the ordinary maintenance, development, and redevelopment of the surrounding area.

16.72.020 Conditional Use Permit Applicability and Requirements

- A. A Conditional Use Permit will be required for automobile service stations under the following conditions:
1. Construction of new service stations.
 2. Reopening of a service station that has been vacant for a period of at least 6 months.
 3. Renovation, alteration or additions to existing service stations when such change exceeds 50 percent of the value of the existing building or structure as officially established by the latest records of the County Assessor of the County;
- B. Service stations on properties annexed to the City which do not comply with permitted activity and services, or the requirement regarding trash enclosure, storage space and landscaping, will be considered nonconforming and subject to nonconforming provisions as set forth in Chapters 16.110 through 16.118 (Nonconformities) of this Title 16.
- C. All new, reopened, renovated, or annexed service stations, or those requesting any substantial change in services rendered, will be required to meet all of the requirements of this Chapter unless this Chapter specifically states that the Planning Commission may modify that particular requirement.

16.72.030 Permitted Uses, Activities, and Services

In addition to the sale of motor fuels, activities and services will be permitted, limited or precluded as set forth in this section.

A. Rental of Vehicles

1. The rental of automobiles, trucks, trailers, and similar vehicles may be permitted, provided the site contains adequate space for display and/or parking and further provided such rentals are displayed and/or parked in only an area so designated as part of the conditional use permit.
2. Unless expressly stated otherwise as part of the conditional use permit, displaying and/or parking of rentals must not occur within 20 feet of any street frontage property line.

B. Storage and Display of Merchandise

1. All new and used merchandise must be stored and displayed only within the service station building, except new and reconditioned tires, batteries, accessories, and lubrication items which are maintained in movable or enclosed cabinets or racks designed for the display and sale of said merchandise may be displayed outside.
2. The location of enclosed cabinets and racks must be designated on the conditional use permit.
3. Products which render an express convenience of service to the customer, such as pump island racks containing oil cans and additives, may be displayed under the pump island canopy when maintained in a cabinet or display rack. Such cabinets or racks must not obstruct vehicular access to the pump island.

C. Body Work, Tire Recapping and Rental of Heavy Equipment Prohibited

All painting, welding, body and fender repair, tire recapping and the rental of other heavy equipment and the sale and rental of other merchandise, other than that specified in this division, is expressly prohibited.

D. Vending Machines

Vending machines will be permitted only per the standards set forth in Chapter 16.74 of this Title 16.

E. Temporary Promotions

1. The sale and storage of merchandise not customarily related to the operation and maintenance of motor vehicles will be permitted with a Temporary Use Permit and subject to the requirements set forth in Chapter 16.228 (Temporary Use Permits) of this Title 16.
2. Subparagraph a above does not apply to items which are provided free or at a reduced price to the customers with purchase of products from the service station.

F. Public Telephones

Public telephones are permitted, provided they will not be within 20 feet of any street frontage property line and are located to be visible from the public right-of-way and accessible on a 24-hour basis.

G. Restriction on Merchandise Sale and Rental

The sales and rental of any type of merchandise not related to the motoring public is prohibited.

H. Tow Truck and Service Vehicles

Tow trucks and similar service vehicles may be allowed if approved as part of the conditional use permit. Such vehicles must be parked only in an area expressly provided and approved as part of the conditional use permit.

I. Use as Commercial Parking Lot

The use of a service station as a commercial parking lot is prohibited, unless expressly approved as part of the conditional use permit.

J. Storage and Trash

1. Storage and trash must be kept only in areas approved as part of the conditional use permit, and must not be placed higher than the walls enclosing such areas.
2. Trash may be collected in containers at the pump islands or inside buildings and service bays.

K. Hours of Operation

Hours of operation may be designated as part of the conditional use permit if exceptional circumstances exist, such as proximity to residential zones.

L. Removal, Overhaul and Replacement of Engines

1. The removal, overhaul, and replacement of motors, differentials, and transmissions is permitted, provided these activities occur within a completely enclosed building and on vehicles with a rated capacity not to exceed 1-½ tons.
2. These activities will constitute only an accessory and incidental use of the service station operation and must not create obnoxious odors, smoke, noise, vibration, or otherwise create a nuisance.

M. Recreational Vehicle Dumping Stations

Recreational vehicle dumping stations are permitted, subject to applicable requirements of the Ventura County Health Department.

N. Enclosure of Used or Discarded Automobile Parts

No used or discarded automotive parts or equipment or permanently disabled, junk or wrecked vehicles may be located outside the service station building, except within an enclosed trash storage area screened from public view.

16.72.040 Location

Automobile service stations must be located only at intersections of streets and highways designated on the City's adopted circulation element of the general plan or in commercial shopping centers, as follows:

- A. Arterials having a right-of-way width of 100 feet.
- B. Collector streets having a right-of-way width of 80 or 84 feet.
- C. Properties fronting on a primary thoroughfare and siding on a freeway right-of-way.
- D. Within commercial developments with a land area of 2 acres or more under one ownership.

16.72.050 Development Standards

A. Design

The architectural design of service station developments must be compatible with the character of development of the area in which it is to be located. However, innovative architectural design and site layout which would contribute to the efficiency and appearance of the station and minimize adverse effects on adjacent property is encouraged.

B. Site Size

1. The minimum area of a corner site must be 22,500 square feet, with a minimum frontage of 150 feet on one street.
2. When a service station on a corner site is developed as a part of a commercial shopping center on a with development site greater than 2 acres in size, the service station site may be reduced to 15,000 square feet, provided the additional required area is provided within the mutual parking and access areas.

C. Access

1. Two driveways on each street frontage may be permitted with the approval of the City Engineer. Access driveways must be no closer than 35 feet from the point of intersection of the ultimate right-of-way lines of the adjoining streets, but in no case closer than 5 feet to the point of curb return. Such driveways must be at least 25 feet apart and they may be no closer than 5 feet to the side property line.
2. Where a service station is part of a commercial development site, a combined driveway for both the service station and adjacent shopping center or commercial property must be designated and provided.

D. Lot Grading and Drainage

Grading of service station sites must provide a minimum rise, in order to insure required fall for drainage, and must be engineered in a compatible manner with the surrounding properties. All drainage to the street must be by underground structures to avoid drainage across City sidewalks or drive aprons, and will be subject to the approval of the Public Works Director.

E. Setbacks

Notwithstanding the setback requirements for the zone district in which the service station is located, all buildings must be set back from interior and street frontage property lines a minimum of 30 feet. Pump islands parallel to the adjacent street must be set back a minimum of 20 feet from all property lines. Pump islands perpendicular to the adjacent street must be set back a minimum of 24 feet from all property lines.

F. Canopy Structure

1. Every pump island must be covered by a canopy structure designed and constructed of material to blend with the main building.
2. Where design permits, the pump island canopy structure must be attached to and made an integral part of the main building structure.
3. Canopies must be a minimum of 10 feet from any street frontage property line.

G. Storage Area

Each service station must have a storage area. The required storage area may be constructed outside of the main building, provided that it is enclosed by a 6-foot high solid masonry wall with a view-obscuring gate made of a durable metal material, and is roofed and contiguous to the main building, unless approved otherwise as a part of the conditional use permit.

H. Trash Enclosure

1. Each service station must have at least one trash enclosure constructed to the standards described in Section 16.40.110 (Solid Waste/Recycling Receptacles and Enclosures) of this Title 16.
2. No trash, including discarded oil cans, batteries, signs, tires, and the like, must be stored or deposited on any section of the site, except in the trash area.

I. Restrooms

1. All service stations must contain restroom facilities for use by employees and patrons.
2. All restroom entrances must be situated either to the side, to the rear, or within the main building.
3. The restroom area may be situated in a location other than above if approved by the Planning Commission as part of the Conditional Use Permit.

J. Perimeter Walls

1. Whenever a service station abuts property in a residential zone, a solid masonry wall not less than 6 feet high must be constructed along the property line abutting the residential zone. However, front yard walls must not exceed 3.5 feet in height. The wall must be constructed in accordance with wall standards outlined in Chapter 16.44 (Fences, Walls and Hedges) of this Title 16. A wall need not be installed when building walls or other acceptable walls already exist on such property lines, or if the service station is part of a shopping center development. The wall requirements may be modified as part of the conditional use permit.
2. A wall constructed on the interior property lines must make provisions for tree wells or landscaped planting areas not less than 16 square feet in area. When included as part of the wall design, the wells or planting should be spaced not less than 8 feet nor more than 16 feet apart. Continuous planters or planters of uneven length may satisfy this requirement if they are at least one-third of the length of the wall, and include trees planted not more than 16 feet apart.

K. Landscaping

1. Notwithstanding the landscaping requirements for the zone district in which the service station is located, at least 10 percent of the site must be landscaped with live plant materials. Planting areas must include but are not limited to the following:
 - a. All landscaped planters must be enclosed with a masonry curb not less than 6 inches high above the finished grade of the site.
 - b. A minimum 5-foot-wide (inside dimension) raised planter, with a 6-inch curb face made of concrete, brick or other masonry materials, must be provided along all street property lines between street access points for purpose of separating pump islands from the sidewalk. Landscaped planters may be rounded at driveway entrances utilizing a minimum 10-foot radius.
 - c. A minimum of 150 square feet of raised planter with curb, minimum 6 inches in height, must be provided at the street frontage of the intersecting corner of the site, from curb cut to curb cut.
 - d. All planting other than trees must be so maintained so as not to exceed a height greater than 30 inches, must not be thorny or spiked, and must not extend over the sidewalk or public right-of-way.
 - e. Trees of minimum size 15 gallons must be placed in the parkway area (between curb face and back of sidewalk) with spacing and variety of trees to be determined by the Planning and Building Directors.
 - f. Except for common traffic movement drives, service stations within shopping centers must be delineated from the remainder of the property by a landscaped buffer with minimum inside dimensions of 4 feet enclosed by a 6-inch curb made of concrete, brick or other masonry material. Common and integrated traffic movement drives between the service station and the remainder of the property will be encouraged.
 - g. All planting areas must be provided with a permanent irrigation system of a design suitable for the type and arrangement of the plant material selected.
2. All planted areas must be maintained so as not to constitute a health or fire hazard.

16.72.060 Signage

- A. All service stations are subject to the sign regulations of Chapter 16.48 (Signs) of this Title 16.
- B. If additional signs are proposed or if modifications to the sign regulations are necessary or desirable for the service station, they may be requested and considered concurrently with the conditional use permit for the service station.
- C. Signs requested at a later date must be considered as modifications to the conditional use permit.

16.72.070 Conflict of Development Standard Provisions

In the event of conflicting provisions between these development standards and any development standards required by the zone district where development will occur, the development standards required by this Chapter will take precedence.

Chapter 16.74 - Vending Machines

- 16.74.010 Conditional Use Permit Required
- 16.74.020 Number Permitted
- 16.74.030 Restrictions on Location
- 16.74.040 Other Conditions

16.74.010 Conditional Use Permit Required

A Conditional Use Permit, obtained pursuant to the requirements of Chapter 16.218 of this Title 16, will be required for the establishment of any vending machine. This requirement will not apply to any vending machine established prior to the effective date of this Section, or that will be located within a completely enclosed building.

16.74.020 Number Permitted

One (1) outdoor vending machine will be permitted for each 4,000 square feet of site area, up to a maximum of 6 vending machines on any one site.

16.74.030 Restrictions on Location

- A. Vending machines must be attached or located immediately adjacent to a building.
- B. Vending machines will not be permitted to be placed on or project into any public right-of-way, nor will any vending machine be located in a manner that requires a person to be on a public right-of-way to operate the machine.

16.74.040 Other Conditions

- A. No vending machine may have bright lights or garish colors, emit sounds, or have any other characteristics that distract motorists or adversely impact adjacent properties.
- B. Prior to the issuance of a conditional use permit for any new vending machine, the owner/operator must provide the City with evidence that they have complied with all applicable Ventura County Health Department requirements.

Chapter 16.76 - Yard and Garage Sales

16.76.010 Chapter 123 of Municipal Code Applies

16.76.010 Chapter 123 of Municipal Code Applies

Chapter 123 (Sale of Personal Property) of the Santa Paula Municipal Code will govern all garage and yard sales.