ORDINANCE NO. 2016-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE SANTA MARIA MUNICIPAL CODE RELATING TO THE CITY ATTORNEY, LIBRARY BOARD, PERSONNEL, SIGNING OF CONTRACTS, TRANSIENT OCCUPANCY, PROPERTY NUISANCE, SAFETY INSPECTIONS, RESIDENCY RESTRICTIONS, PARKING, PAYMENT OF GROWTH MITIGATION FEES, FLOOD CONTROL, VOLUNTARY MERGER, ZONING CODE DEFINITIONS, AND HOTELS/MOTELS

The City Council of the City of Santa Maria, State of California, does ordain as follows:

SECTION 1. Section 2-4.03.1 is hereby added to the Santa Maria Municipal Code, to read as follows:

Section 2-4.03.1. Compensation.

The City Attorney shall receive such compensation and benefits as the Council shall fix from time to time by ordinance or resolution.

SECTION 2. Section 2-4.12 of the Santa Maria Municipal Code is hereby amended to read as follows:

Section 2-4.12. Appointment and Removal from Office.

A City Attorney shall be appointed and removed by a majority vote of the City Council and shall be chosen by the Council solely on the basis of executive and administrative qualifications.

The City Attorney may not be removed from office, except for cause, during the first ninety (90) days of a term of office of a Councilmember.

SECTION 3. Section 2-13.02 is hereby added to the Santa Maria Municipal Code, to read as follows:

Section 2-13.02. Library Board Established: Composition and Powers.

(a) The Library Board shall be composed of five (5) members, all of whom represent the community at-large.

(b) The Library Board is authorized to adopt such reasonable regulations for the safe use of the library as it deems necessary; provided, that the adoption of each such regulation shall be reported to the City Council at its first regular meeting next following the adoption of the regulation. At the meeting the City Council may consider the regulation and, if it deems the regulation unnecessary, unreasonable or not in the best interest of the City and of the public, may, by motion and vote of a majority of the Council, repeal the regulation. Upon repeal the regulation shall be void; provided, that such action shall not affect the validity of such regulations, or actions based thereon, prior to repeal.

SECTION 4. Subsection (d) of Section 2-20.06 is hereby repealed.

SECTION 5. Section 2-20.06.1 is hereby added to the Santa Maria Municipal Code, to read as follows:

Section 2-20.06.1. Performance Based Pay.
At-will Department Heads, the City Manager and the City Attorney are eligible for Performance-Based Pay.

SECTION 6. The first paragraph of Section 2-20.16 of the Santa Maria Municipal Code is hereby amended to read as follows:

Except as otherwise provided, employees who are not employed as full-time employees as listed in the established classification plan and as approved in the budget shall be considered part-time or limited-service employees. Compensation therefor shall be determined by the relation that the actual number of hours of service bears to the number of hours required in full-time employment in each class of position. The hourly rates prescribed for limited-service employees are considered full compensation to include the value of vacation, sick leave and holidays, except as otherwise prescribed by state or federal legislation.

SECTION 7. Subsection (b) of Section 2-20.20 of the Santa Maria Municipal Code is hereby amended to read as follows:

(b) Unless otherwise provided for in the then-current resolution, holidays for all management and other full-time officers and personnel of the City, other than fire and police sworn personnel and Dispatch personnel, shall be eight (8) hours of holiday pay for each holiday as follows: January 1st (New Year's Day), the last Monday in May (Memorial Day), July 4th (Independence Day), the first Monday in September (Labor Day), the fourth Thursday of November (Thanksgiving), the fourth Friday of November (the day after Thanksgiving) and December 25th (Christmas). In addition to the foregoing, those personnel shall be entitled to forty (40) holiday hours per year, designated floating time, which shall be designated and approved by the City Manager, in accordance with the provisions of this chapter, and routine City operations will be conducted on such floating holidays.

SECTION 8. Subsection (g) of Section 2.20.21 of the Santa Maria Municipal Code is hereby amended to read as follows:

(g) Evidence, in the form of a physician’s health care provider’s certificate or otherwise, may be required in determining the adequacy of reasons for any employee’s absence during a time for which sick leave is requested.

SECTION 9. Subsection (e) of Section 2-20.21.1 of the Santa Maria Municipal Code is hereby amended to read as follows:

(e) Evidence, in the form of a physician’s health care provider’s certificate or otherwise, may be required in determining the adequacy of reasons for any employee’s absence during a time for which personal leave time used as sick leave is requested.

SECTION 10. Chapter 2-21A is hereby added to the Santa Maria Municipal Code, to read as follows:

CHAPTER 2-21A SIGNING OF CONTRACTS

Section 2-21A.01. Authority.
When authorized and directed by resolution of the City Council, the City Manager or any designated City employee shall have authority to sign, and shall sign, contracts made by the City.

SECTION 11. Subsection (g) of Section 3-9.02 of the Santa Maria Municipal Code is hereby amended to read as follows:
(g) "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel is a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, but only if the hotel is located in a zone that permits occupancy for more than thirty (30) consecutive days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered.

SECTION 12. Subsection (a)(3) of Section 3-9.05 of the Santa Maria Municipal Code is hereby amended to read as follows:

(3) Any person(s) who is allowed the right of occupancy by the operator of a hotel without rent, provided that the occupancy is for a period of thirty (30) consecutive days or less. No person shall be allowed to reside in any hotel for more than thirty (30) consecutive days, with or without payment of rent, unless the hotel is located in a zone that permits occupancy for more than thirty (30) consecutive days.

SECTION 13. Subsection (c) of Section 3-9.10 of the Santa Maria Municipal Code is hereby amended to read as follows:

(c) Following the giving of due process as provided in subsections (d) and (e), the Tax Administrator shall have full authority to enter upon the premises of the operator where the business records of the hotel are maintained during normal business hours, and shall have the right and authority to require the records to be made available to him for examination and to examine the same in order to obtain the information required by the Tax Administrator in order to make the determination provided for in subsection (b) of this section and to ensure compliance with the requirements of this chapter.

SECTION 14. Subsection (b)(4) is hereby added to Section 5-6.202 of the Santa Maria Municipal Code, to read as follows:

(4) A display remaining in place or not maintained for a period of ninety (90) days, which no longer advertises or identifies an activity occurring at the address where the display is located.

SECTION 15. Chapter 5-10 is hereby added to the Santa Maria Municipal Code, to read as follows:

CHAPTER 5-10 SAFETY INSPECTIONS BEFORE STARTUP OF NONRESIDENTIAL ACTIVITY

Section 5-10.01 Purpose and Intent.

The purpose and intent of this Chapter is to ensure that all nonresidential structures that are open to the public to any extent and in any manner whatsoever comply with all provisions of the California Building Code and the City of Santa Maria Municipal Code prior to occupancy when the use of such structures changes or when there are physical changes made to such structures.

Section 5-10.02 Compliance Inspection Required.

Unless otherwise exempted by law, no person shall occupy nonresidential premises in a structure which is open to the public to any extent and in any manner whatsoever without first:

(a) Scheduling, paying the fee for, and passing a building safety inspection for the intended activity on the premises; and

(b) Verifying that the intended use is allowed by Title 12 of this Code.

The City shall complete any inspection requested under this ordinance within seven (7) business days of request and payment.
Section 5-10.03 Penalties.
Failure to comply with the requirements of this Chapter is a misdemeanor.

SECTION 16. Chapter 6-9 of the Santa Maria Municipal Code is hereby repealed.

SECTION 17. Subsection (a) of Section 7-5.22 of the Santa Maria Municipal Code is hereby amended to read as follows:

(a) No person who owns or has possession, custody or control of any vehicle, as such term is defined in Section 7-1.01, shall park such vehicle upon in one location on any street or alley within the corporate limits of the City for more than a consecutive period of seventy-two (72) hours. If any vehicle is parked in one location for a period of seventy-two (72) consecutive hours, the vehicle shall be removed from that location, and at least seventy-two (72) hours shall pass before that vehicle may return to that location.

For the purpose of this section “that location” means the area, to the extent that it is on a public street or alley, described by a circle with a radius of seventy-five (75) feet, with its center being a chalk marking placed on a tire of the vehicle by an authorized representative of the City.

SECTION 18. Subsection (f) of Section 8-15.06 of the Santa Maria Municipal Code is hereby amended to read as follows:

(f) Except as provided in the Downtown Specific Plan, the City Council may consider allowing qualifying commercial and industrial development the ability to pay growth mitigation fees as outlined in the current fee schedule over a period of time. The maximum amount of time for payback shall be five (5) years. The payments shall be made yearly, and interest shall be paid. Interest calculations shall be based on the average annual interest rate for the Local Agency Investment Fund. Qualifying companies who wish to pursue this option shall sign an agreement, in a form approved by the City Attorney, and shall provide financial security guaranteeing payment.

SECTION 19. Subsections (a)(8A), (a)(8B), (a)(19A), (a)(24A) and (a)(31A) are hereby added to Section 9-10.105 of the Santa Maria Municipal Code, to read as follows:

(8A) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 21, 1988.

(8B) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19A) "Historic structure" means any structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(C) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the
Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

(24A) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 21, 1988.

(31A) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SECTION 20. Section 9-10.107 of the Santa Maria Municipal Code is hereby amended to read as follows:

Section 9-10.107. Basis for establishing the areas of special flood hazard.
The areas of special flood hazard and areas of mudslide (i.e., mudflow) hazards identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Santa Maria," dated July 15, 1988, with an accompanying flood insurance rate map, and all subsequent amendments and/or revisions, is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the City Community Development Department, 110 South Pine, and the Public Works Department, 810 West Church Street, Santa Maria, California, 9345493458. This flood insurance study is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the floodplain administrator.

SECTION 21. Subsection (c)(3) is hereby added to Section 9-10.203 of the Santa Maria Municipal Code, to read as follows:

(3) Within six months, notify the Federal Emergency Management Agency of changes to the community’s base flood elevations;

SECTION 22. Section 9-10.307 is hereby added to the Santa Maria Municipal Code, to read as follows:

(a) All recreational vehicles placed in Zones A1-30, AH, and AE will either:
   (1) Be on the site for fewer than 180 consecutive days; or
   (2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION 23. Subsection (f) of Section 9-10.402 of the Santa Maria Municipal Code is hereby amended to read as follows:

(f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurated with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain board in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
SECTION 24. Subsection (h) of Section 11-11.02 of the Santa Maria Municipal Code is hereby amended to read as follows:

(h) Request to Merge by Property Owner. If the merger of contiguous parcels may be initiated by the record owner, the owner may waive in writing the right to a hearing before the Planning Commission and to all notices required by this section. Upon receipt of such waiver, the Director of Community Development shall simultaneously file for record with the County Recorder a Notice of Intention to Determine Status, the waiver of right of hearing and notice, and a Notice of Merger.

SECTION 25. Section 12-2.18 of the Santa Maria Municipal Code is hereby amended to read as follows:

Section 12-2.18. Bath.
   (a) "Full bath" means a room which contains a water closet, a lavatory and a bathtub with or without a shower.
   (b) "One-half bath" means a room which contains a water closet and a lavatory.
   (c) "Three-quarter bath" means a room which contains a water closet, a lavatory and a shower.

SECTION 26. Section 12-2.76A is hereby added to the Santa Maria Municipal Code, to read as follows:

Section 12-2.76A. Hotel.
   "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for lodging or sleeping purposes, where said transients access individual rooms through interior corridors.

SECTION 27. Section 12-2.103A is hereby added to the Santa Maria Municipal Code, to read as follows:

Section 12-2.103A. Motel.
   "Motel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for lodging or sleeping purposes, where said transients access individual rooms through exterior corridors.

SECTION 28. Subsection (b) of Section 12-12.04 of the Santa Maria Municipal Code is hereby amended to read as follows:

(b) Hotel or Motels, catering to transient occupants only;

SECTION 29. Subsection (c)(6) of Section 12-13.03 of the Santa Maria Municipal Code is hereby amended to read as follows:

(6) Hotels and Motels,

SECTION 30. SEVERABILITY. Should any provision, section, paragraph, sentence or word of this Ordinance be declared invalid by any court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.
SECTION 31. This Ordinance shall be in full force and effect thirty (30) days after its passage. Within fifteen days following its passage, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in accordance with State Law; or when deemed necessary due to the length or complexity or the Ordinance, cause a summary of the Ordinance to be prepared and published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted. If a summary is published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted, then within 15 days after adoption of the Ordinance the City Clerk shall publish a summary of the Ordinance with the names of those City Council Members voting for and against the Ordinance and shall post a certified copy of the full text of such adopted Ordinance along with the names of those City Council Members voting for and against the Ordinance.

INTRODUCED at a regular meeting of the City Council held this 19th day of January, 2016, and PASSED AND ADOPTED at a regular meeting held February 2, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

[Signature]

Chief Deputy City Clerk

APPROVED AS TO FORM:

By: [Signature] City Attorney

APPROVED AS TO CONTENT:

By: [Signature] Department Head

By: [Signature] City Manager