

ORDINANCE NO. 1567

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE TO MAKE MINOR AND NON-SUBSTANTIVE CORRECTIONS, UPDATES, AND CLARIFICATIONS

WHEREAS, Ordinance No. 1387 corrected the sales tax termination date in the Arcata Municipal Code to March 31, 2029, but the Transactions and Use Tax Oversight Committee sunset date in the Arcata Municipal Code was not similarly corrected; and

WHEREAS, organizational adjustments led to position title and department changes that are no longer accurate in the Arcata Municipal Code; and

WHEREAS, non-substantive grammatical corrections to the Arcata Municipal Code are needed to provide clarity; and

WHEREAS, Ordinance No. 1563 incorrectly chaptered Electric Vehicle Charging Station (EVCS) Permit Streamlining in Chapter 5 instead of Chapter 6; and

WHEREAS, the application deadline for renewing a Vacation Rental permit requires clarification in the Arcata Municipal Code to avoid confusion; and

WHEREAS, the City Council of the City of Arcata desires to update the Arcata Municipal Code to address these minor and non-substantive corrections, updates, and clarifications; and

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

SECTION 1. Article 1—City Manager, of Chapter 2—Officers and Employees, of Title II—Administration, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

* * *

SEC. 2105 Temporary Manager.

During the temporary absence or disability of the City Manager, the City Manager shall designate a full-time employee from the Senior Management staff to perform the duties of Acting City Manager. In the event the City Manager is unable to or does not make such designation, the order of succession for performance of the duties of the Acting City Manager shall be: (1) Human Resources/Administrative Services Director ~~Assistant City Manager~~, and (2) the Chief of Police.

* * *

SEC. 2107 Powers and duties.

* * *

(h) EMPLOYEE RELATIONS. It shall be the responsibility of the City Manager to carry out the function of Personnel Officer as specified in Title II, Chapter 2, Article 3 herein. However, it shall be the responsibility of the Human Resources/Administrative Services Director ~~Assistant City Manager or Personnel Director~~ to carry out the labor relations process on behalf of the City Council.

SECTION 2. Article 15—Transactions and Use Tax Oversight Committee, of Chapter 3—Boards, Commissions, Committees and Task Forces, of Title II—Administration, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore text:

SEC. 2276 Committee Sunset Date.

The Transactions and Use Tax Oversight Committee will automatically be sunset in March 2029 ~~November 2028~~ when the sales tax is no longer imposed

SECTION 3. Article 2—City Employees, of Chapter 8—Conflict of Interest Code, of Title II—Administration, of the Arcata Municipal Code is hereby amended as shown in the following strike-through and double underscore text (unchanged text is omitted and is shown by “* * *”):

* * *

SEC. 2915. Designated Employees.

The following positions are designated pursuant to Government Code Section 87302 and are required to disclose financial interests as specified by the listed disclosure category, which is described in Section 2916. In addition, such positions as are designated herein are subject to disqualification pursuant to Section 2912.

(a) Employees:

<u>Position:</u>	<u>Disclosure Category:</u>
City Engineer	1, 2
Director of Community Development	1, 2
Director of Environmental Services	1, 2
Deputy Director of Community Development	1, 2
Deputy Director of Environmental Services— Community Services	1, 2
Deputy Director of Environmental Services— Streets/Utilities	1, 2
Deputy Director of Information Technology	1, 2
Police Chief	1, 2

<u>Human Resources/Administrative Services Director</u>	Assistant City Manager/Personnel
Director	1, 2
Assistant City Engineer	2, 3, 4
Building Official	2, 3, 4

* * *

SECTION 4. Article 2—Pedicab, of Chapter 2—Business Regulation, of Title VI—Business, Professions and Trades, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

SEC. 6200 Definitions.

As used in this Article, the following terms are defined as follows unless a particular provision expressly defines a term otherwise:

* * *

D. ~~“City Engineer Public Transportation Superintendent”~~ means the City of Arcata City Engineer ~~Public Transportation Superintendent~~.

SEC. 6201 Owner and Operator Permits Required.

The following permits must be obtained before any person may operate a Pedicab for hire upon any public street within the City of Arcata:

A. Owner’s Permit. The Owner of a Pedicab shall apply for and obtain an Owner’s permit from the Engineering Department ~~Public Transportation Superintendent’s Office~~ as provided in Section 6202 of this Article.

B. Operator’s Permit. The Operator of a Pedicab shall apply for and obtain an Operator’s permit from the Engineering Department ~~Public Transportation Superintendent’s Office~~ as provided in Section 6203 of this Article.

* * *

SEC. 6202 Application for Pedicab Owner’s Permit.

A. An application for a Pedicab Owner’s permit may be obtained from and filed with the Engineering Department ~~Public Transportation Superintendent’s Office~~, together with the applicable filing fee as established by the resolution of the City Council. All applications shall be signed and verified under oath and will contain an acknowledgment ~~acknowledgement~~ that the application may be denied, or the permit suspended or revoked if the applicant misrepresents any material fact in the application. An application for Owner’s Permit shall contain at a minimum the following information:

* * *

7. Such other information as the City Engineer ~~Public Transportation Superintendent~~ determines is necessary to evaluate whether the applicant can own a Pedicab for operation in such a manner that does not endanger or pose a threat of harm to the public.

SEC. 6203 Pedicab Operator's Permit Application.

A. Application for a Pedicab Operator's permit shall be made in writing using a form prescribed by and filed with the Engineering Department ~~Public Transportation Superintendent's Office~~ together with the applicable filing fee as established by the resolution of the City Council. All applications shall be signed and verified under oath and will contain an acknowledgment ~~acknowledgement~~ that the application may be denied, or the permit suspended or revoked if the applicant misrepresents any material facts in the application. An application for operator's permit shall at a minimum contain the following information:

* * *

9. Such other information as the City Engineer ~~Public Transportation Superintendent~~ or Chief of Police determines is necessary to evaluate whether the applicant can operate a Pedicab in such a manner that does not endanger or pose a threat of harm to the public.

B. Prior to receiving an Operator's permit, the applicant shall be required to pass an examination administered by the City Engineer ~~Public Transportation Superintendent~~ as to their knowledge of the City of Arcata's streets, traffic laws and rules.

* * *

D. While the permit application is under review, the City Engineer ~~Public Transportation Superintendent~~ may issue a temporary Pedicab Operator's permit if the City Engineer ~~Superintendent~~ reasonably determines that the applicant's temporary operation of a Pedicab would not pose a threat of harm to the public, and if the Chief of Police so concurs. A temporary permit will not vest any right in the applicant to receive a regular Operator's permit.

SEC. 6204 Insurance Requirements.

In order to ensure the safety of the public, all Pedicab Owners, and all Pedicab Operators who are not employees of the Owner, shall obtain and file with the City Engineer ~~Public Transportation Superintendent~~ prior to causing the operation of a Pedicab, a policy of insurance in such form and on such terms and conditions as the City Engineer ~~Public Transportation Superintendent~~ determines reasonable, insuring and indemnifying the City

against loss or damage that may result to any person or property from the operation of a Pedicab or Pedicabs.

SEC. 6205 Action on Permit Applications.

A. Complete permit applications will be reviewed and acted on by the City Engineer ~~Public Transportation Superintendent~~. An application deemed incomplete by the City Engineer ~~Public Transportation Superintendent~~ shall be returned to the applicant.

B. Complete applications for Owner’s permits will be reviewed to determine whether:

* * *

4. The route and/or routes or area over which the applicant proposes to operate can safely accommodate Pedicabs in view of the condition of the existing roads or the traffic thereon. This determination shall be made after consultation with the City Engineer ~~Director of Public Works~~.

C. Complete applications for Operator’s permits shall be referred to the Chief of Police for review and recommendation. The City Engineer ~~Public Transportation Superintendent~~ may not issue an Operator’s permit if the Chief of Police recommends denial. In the event of a recommendation of denial by the Chief of Police, the applicant may request a personal appearance before the Chief of Police to offer evidence as to why his or her application should be reconsidered.

D. The issuance of either an Owner’s permit or Operator’s permit shall rest within the sound and reasonable discretion of the City Engineer ~~Public Transportation Superintendent~~ pertaining to the public interest and safety. Notwithstanding this discretion vested in the City Engineer ~~Superintendent~~, no permit will be issued under the following circumstances:

* * *

E. Permits will be numbered and must be affixed to the right-hand side of the Pedicab in a prominently visible manner as required by the City Engineer ~~Public Transportation Superintendent~~.

SEC. 6206 Permit Duration; Annual Fee.

Pedicab permits shall be in effect for the remainder of the calendar year in which first issued, and shall be renewed each calendar year thereafter, unless otherwise revoked, upon application to the City Engineer ~~Public Transportation Superintendent~~ and payment of the annual renewal fee adopted by resolution of the City Council.

SECTION 5. Article 3—Short-Stay and Vacation Rentals, of Chapter 2—Business Regulation, of Title VI—Business, Professions and Trades, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

SEC. 6303 Permit Issuance, Requirements.

* * *

B. Permit Reissuance.

1. An Operator holding an Active Permit in Good Standing may apply for and receive a reissued Vacation Rental permit provided that the application is made ~~no sooner than ninety (90) days and no later than~~ the Vacation Rental permit expiration date ~~thirty (30) days prior to expiration of the Vacation Rental Permit.~~

* * *

SECTION 6. Article 1—General Provisions, of Chapter 4—Cable Systems and Open Video Systems, of Title VI—Business, Professions and Trades, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore text:

SEC. 6517 Maps Required.

Each Franchisee shall maintain accurate maps and improvement plans which show the location, size, and a general description of all facilities installed in the Public Rights-of-Way and any power supply sources (including voltages and connections). Maps shall be based upon post-construction inspection to verify location. Each Franchisee shall provide a map to the City showing the location of its facilities, in such detail and scale as may be directed by the City Director of Environmental Services ~~City Public Works Director~~ and update the map at least annually, and whenever the facility expands or is relocated. Copies of maps shall be provided in hard copy and on disk, in a commercially available electronic format specified by the City Director of Environmental Services ~~City Public Works Director~~. Any disk provided to the City shall be returned to the Franchisee after information contained therein is entered into the City’s electronic mapping or other similar such system.

SECTION 7. Article 2—Construction, of Chapter 1—Streets and Sidewalks, of Title VII—Public Works, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

SEC. 7101 Construction of Sidewalks.

* * *

B. The Zoning Administrator, after making a written finding that in any particular case any of the first following three criteria have been met and that both of the last

two criteria have been met, and with the concurrence of the City Engineer ~~Director of Environmental Services~~, may grant a sidewalk non-compliance:

* * *

SEC. 7103 Construction Standards.

All concrete sidewalks shall be four inches thick, with a rough surface, and shall be built and constructed in accordance with the "Detailed Drawings" of sidewalks and gutters on file in the office of the Engineering Department ~~Department of Environmental Services~~. Any and all soft material shall be removed from the foundation and replaced with proper filling tamped so as to give a substantial earth foundation for such walk and so as to conform to the city street grades.

All concrete sidewalks shall be composed of Class A concrete according to the specifications ~~therefor~~ ~~therefore~~ on file in the Engineering Department ~~Department of Environmental Services~~ of the City of Arcata.

SEC. 7104 Duty to Repair or Rebuild.

* * *

B. If any person, after reasonable notice in writing from the Engineering Department ~~Director of Environmental Services~~, shall fail to repair or rebuild his sidewalk, such work may be done by the City of Arcata, and the cost of such work shall become a lien against the adjoining property, due and payable the same as city taxes, and of like force and effect, as specified herein and in conjunction with the provisions of California Streets and Highways Code, Improvement Act of 1911, Division 7, Chapter 22.

SEC. 7104.1 Notice to Repair: Failure to Repair.

A. When any portion of a sidewalk is out of repair or pending reconstruction and in a condition to endanger persons or property or in a condition to interfere with the public convenience in the use of such sidewalk, the Engineering Department ~~Director of Environmental Services~~ shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

* * *

C. The notice shall further state that if the repair has not commenced within two (2) weeks after notice is given and diligently and without interruption prosecuted to completion, as required by the notice, the Engineering Department ~~Director of Environmental Services~~ may undertake the repair of the sidewalk, and the costs of the repair shall be a lien on the property.

SEC. 7104.2 Manner of Giving Notice.

* * *

B. When a notice to repair is mailed, the City Engineer ~~Director of Public Works~~ shall immediately post in a conspicuous place on the property a copy of the notice to repair, on a card not less than 8 inches by 10 inches in size. In lieu of posting a copy of the mailed notice, the City Engineer ~~Director of Public Works~~ may, not less than seven (7) days nor more than ten (10) days after mailing the first notice, mail a "Second Notice," postage prepaid, to the person to whom the first notice was addressed. The "Second Notice" shall contain the information specified in Section 7104.1.

SEC. 7104.3 Assessment of Repair Costs: Notice and Hearing.

A. If the City Engineer ~~Director of Environmental Services~~ makes repairs in accordance with Section 7104.1, he or she shall keep an itemized account of the costs of the repair. Upon the completion of such repairs, the City Engineer ~~Director of Environmental Services~~ shall prepare and file with the City Council a report specifying the repairs which have been made, the cost of the repairs, and associated work, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof.

B. The City Engineer ~~Director of Environmental Services~~ shall give notice to the owner or person in possession of the property facing upon the sidewalk and repaired by the City in accordance with Section 7104.1, of the cost of repair filed with the City Council. In addition, said notice shall specify the day, hour and place where the City Council will hear and pass upon the report, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons.

C. At the hearing, the City Council shall pass upon the report of the City Engineer ~~Director of Environmental Services~~, together with any objections or protest which may be raised by any of the property owners liable to be assessed for the work of making such repairs and any other interested persons. Thereupon, the City Council may make any such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, revised, corrected or modified shall be confirmed.

SEC. 7104.4 Assessment of Repair Costs: Lien.

* * *

B. The City Engineer ~~Director of Environmental Services~~ shall file in the office of the County Recorder a certificate substantially in the following form:

NOTICE OF LIEN

Pursuant to the authority vested in me by the Improvement Act of 1911, Streets and Highways Code Section 5000 et seq. and Arcata Municipal Code Title VII, Chapter 1, Article 1, I did on the day of , cause the sidewalk, curb, or bulkheads, retaining walls or other works (as the case may be) in front of the real property hereinafter described, to be repaired and removed, and the City Council of Arcata did, on the day of , by Resolution No. [or by motion] assess the cost of such repair upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the City of Arcata does hereby claim a lien on said real property in the sum of \$ Dollars, and the same shall be a lien upon said real property until the said sum, with interest at the rate of % per annum, for the said day of , the date of confirmation of assessment, has been paid in full and discharged of record.

The real property herein before mentioned and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the City of Arcata and County of Humboldt, State of California, and particularly described as follows:

(Description of Property)

Dated this ____ day of _____.

City Engineer ~~Director of Environmental Services~~

SEC. 7105 Permit to Do Street Work.

No person shall lay, construct, reconstruct, or repair, in any street or other public place in the City, or in, over or through any property or right of way owned by the City, any curb, sidewalk, gutter, driveway, graded or oiled roadway, macadamized roadway, pavement, sanitary sewer, storm drain or culvert without first obtaining a permit in writing to do so from the City Engineer ~~Director of Public Works~~.

* * *

F. PLANS AND SPECIFICATIONS. All work mentioned for which a permit shall have been issued as provided in this Section shall be performed in accordance with the specifications or standard plans adopted by the City for such class of work (or the special plans and specifications prepared ~~therefor~~ ~~therefore~~ by the City Engineer ~~Director of Public Works~~) and referred to in the permit, and shall be performed to the satisfaction of the City Engineer ~~Director of Public Works~~ and under the supervision of an inspector appointed by the City Engineer ~~Director of Public Works~~ for such work; provided, however, that the City Engineer ~~Director of Public Works~~ may waive inspection during actual construction of any or all patchwork, which is hereby defined as consisting of less than thirty (30) lineal feet of curb, or less than one hundred (100) square feet of sidewalk, or less than one hundred square

feet of paving, or less than thirty (30) lineal feet of gutter, or a combination of any or all of the foregoing.

SEC. 7109 Application for Permit.

Any person desiring a permit to perform any work mentioned in this Article shall file a written application ~~therefor therefore~~, with the Engineering Department Director of Environmental Services on forms furnished by the Engineering Department Director of Environmental Services which application shall state the location, nature and extent of the work to be performed, the material to be used, the length of time which will be required to complete the work and such other information as the Engineering Department Director of Environmental Services may require. The Engineering Department Director of Environmental Services may modify the time specified for the completion of the work and may make such changes as to the location and extent of the work as in his judgment are necessary to prevent undue interference with traffic or danger to the safety of persons affected or nearby facilities.

SEC. 7110 Plans and Estimates.

When, in the opinion of the City Engineer Director of Environmental Services, the work requires the making of special plans ~~therefor therefore~~, the City Engineer Director of Environmental Services shall make an estimate of the total expense which will be incurred by the City in connection therewith, which shall include the cost of engineering work and estimates, the preparation of plans, inspection and all other necessary work and expense. If, in the opinion of the City Engineer Director of Environmental Services, the proposed work does not require the making of special plans ~~therefor therefore~~, the City Engineer Director of Environmental Services shall estimate the total expense which will be by the City in connection therewith and may estimate the cost of the proposed work. The applicant shall deposit the estimated amount of the total expense with the City Engineer Director of Environmental Services.

The City Engineer Director of Environmental Services may, in his discretion, require that the applicant, before any permit shall be issued, file with the City Engineer Director of Environmental Services a good and sufficient bond, approved by the City Attorney and payable to the City, in an amount equal to not less that one hundred per centum of the estimated cost of the proposed work, and conditioned upon the faithful performance of the work for which such permit is issued, in accordance with the permit and the specifications, or plans and specifications, prepared ~~therefor therefore~~ and referred to in the permit. Such bond shall be either a cash bond, or a bond executed by the permittee, a certificate of acceptance which shall contain a statement of the location, nature and total amount of the work performed under the permit.

SEC. 7113 Return of Excess Deposit.

After the acceptance of any work done under a permit issued pursuant to this Article, the City Engineer Director of Environmental Services shall deduct from the deposit herein

before provided for, the amount of the total expense incurred by the City in connection therewith and shall return the unexpended portion thereof to the permittee. The decision of the City Engineer ~~Director of Environmental Services~~ as to the amount of expense incurred by the City in connection with any work done under permit pursuant to this Section shall be final and conclusive.

SEC. 7117 Street Excavation Permit.

No person shall make any excavation in, along, or under the surface of any street or other public place in the City, or dig in, plow up, tear up, fill, cover, disturb, or change any portion of the same, or permit to be constructed, put upon, maintained, or left thereon, any material, without first obtaining a written permit ~~therefor~~ therefore, which permit shall be issued by the City Engineer ~~Director of Environmental Services~~ upon compliance by the applicant with the requirements hereinafter set forth.

The applicant for such permit shall sign and file in the office of the City Engineer ~~Director of Environmental Services~~ on a form to be supplied by the City Engineer ~~Director of Environmental Services~~, an application which shall set forth the name, address, and principal place of business of the person making the application and location and dimensions of the excavation to be made, the proposed purpose thereof, the nature of, and the location at which it is proposed to place obstructions, materials and debris in connection therewith, and the length of time which will be required to complete such work, backfill the excavation, and remove all obstructions, material and debris.

SEC. 7118 Plat.

An applicant for a permit to excavate in any street or other public place shall file in the office of the Engineering Department ~~office of the Department of Environmental Services~~ a plat, in duplicate, designating said street, or other public place, and the location thereof, together with a designation thereon of the location of the proposed excavation, the dimensions thereof, and any and other details which may be requested by the City Engineer ~~Director of Environmental Services~~, provided, however, that plats shall not be required when excavations are to be made for service connections or for the location of trouble in conduit or pipes, or making repairs.

SEC. 7119 Orders of City Engineer ~~Director of Environmental Services~~.

The applicant shall show to the satisfaction of the City Engineer ~~Director of Environmental Services~~ a right to use and occupy, for the purpose mentioned in the application, the street or other public place wherein the excavation is proposed to be made. The City Engineer ~~Director of Environmental Services~~ may modify the time specified for the compensation of the work, the backfilling of the excavation, and the removal of all obstructions, materials and debris, and make such changes in the application as to the nature, location, size and depth of such excavation as they may deem necessary for the protection of the street, or other public place wherein such excavation is to be made, or are in their judgment necessary for the proposed purpose thereof, and may make such changes as to the

location, size and character of obstructions to be placed in any street or other public place as in their judgment are necessary to prevent undue interference with traffic or danger to the safety of persons using the same.

SEC. 7120 Commencement of Work.

The applicant shall agree in advance to commence and prosecute the excavation or other work and to fill in such excavation, in accordance with the permit, in accordance with the laws and ordinances governing such work in the City, and in accordance with the requirements of the City Engineer ~~Director of Environmental Services~~ and to remove all obstructions, materials and debris placed in the street or other public place by the applicant, all to the satisfaction of the City Engineer ~~Director of Environmental Services~~, and within the time limit specified in the permit ~~therefor~~ ~~therefore~~, or that the excavation may be filled in such manner and any obstruction, materials, or debris may be removed by the City Engineer ~~Director of Environmental Services~~ at the expense of the applicant. The amount of such cost shall be payable on demand to the City Engineer ~~Director of Environmental Services~~ by the person to whom the permit was issued, and no further permit shall be issued to such person until such demand is paid in full. The decision of the City Engineer ~~Director of Environmental Services~~ as to the cost of any work done by him or under his direction shall be final and conclusive as to such costs.

SEC. 7121 Permit.

Upon the compliance by the applicant with the foregoing conditions and requirements, the application and plat aforesaid shall be approved by the City Engineer ~~Director of Environmental Services~~ subject, however, to such conditions and restrictions as he may deem necessary for maintenance of public health, safety and welfare, and shall be filed as public record in the office of said City Engineer ~~Director of Environmental Services~~; whereupon the City Engineer ~~Director of Environmental Services~~ shall issue, in such form as he may approve, a written permit to the applicant to do and perform the acts mentioned in said application. No permit so issued shall be transferable, and every such permit shall become void unless the excavation or other work thereby permitted to be done is commenced within the time limit specified therein and thereafter diligently and continuously prosecuted. If the same is not so commenced and diligently and continuously prosecuted, in the judgment of the City Engineer ~~Director of Environmental Services~~, he shall have the power to cancel the permit. Permits shall be automatically canceled and become void if the applicant does not commence work within sixty (60) days from the date thereof.

SEC. 7123 Backfill.

Upon the completion of the work for which the excavation was made, the permit holder shall promptly backfill the excavation in a manner conforming to all laws and ordinances of the City, and all requirements of the City Engineer ~~Director of Environmental Services~~, and shall promptly remove all obstructions, materials and debris. The permittee shall maintain the backfill safe for traffic and shall, from the time of the beginning of the

work for which the permit was issued, maintain barricades and warning lights and assume responsibility for all accidents which may occur, due to vehicles or pedestrians crossing the site of the excavation, until the surface of the street, alley or other public place has been replaced or restored by the City Engineer ~~Director of Environmental Services~~.

SEC. 7124 Notice of Completion.

Upon the completion of the backfill and removal of all obstructions, material and debris as herein provided, the permit holder shall give written notice thereof, on a form provided ~~therefor~~ ~~therefore~~, to the City Engineer ~~Director of Environmental Services~~. All surfaces of streets and other public places excavated or damaged shall be replaced or restored by the City Engineer ~~Director of Environmental Services~~ at the cost of the City.

SEC. 7125 Emergencies.

Nothing in this Section shall be construed to prevent any person from making such excavation as may be necessary for the preservation of life or property, when such necessity arises during such hours as the office of the City Engineer ~~Director of Environmental Services~~ is closed; provided that the person making such excavation shall obtain a permit ~~therefor~~ ~~therefore~~ within one day after the office of the City Engineer ~~Director of Environmental Services~~ is first opened subsequent to the making of such excavation.

SECTION 8. Article 3—Protection, of Chapter 1—Streets and Sidewalks, of Title VII—Public Works, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore text:

SEC. 7202 Duty to Maintain.

Any sidewalk constructed of material other than concrete shall be maintained at all times by the property owner. Where such owner fails or neglects to keep such a sidewalk in a state of good repair, it shall be the duty of the City Engineer ~~Director of Environmental Services~~ to institute proceedings to compel the installation of a cement sidewalk forthwith.

SECTION 9. Article 4—House Numbers, of Chapter 1—Streets and Sidewalks, of Title VII—Public Works, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore text:

SEC. 7303 Supervision and Control.

It shall be the duty of the City Engineer ~~Director of Environmental Services~~ to exercise general supervision and control over the numbering of buildings in the City, in accordance with the provisions of this Article. He shall issue official numbers to applicants and shall cause citations to be issued against persons violating the provisions of this Article.

SECTION 10. Article 2—Definitions, of Chapter 3—Water, of Title VII—Public Works, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore text:

SEC. 7623 Regular Water Service.

Regular water service means water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefor ~~therefore~~.

SEC. 7624 Temporary Water Service.

Temporary water service means water service and facilities rendered for construction work and other uses of limited duration, and the water available therefor ~~therefore~~.

SEC. 7625 Private Fire Protection Service.

Private fire protection service means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefor ~~therefore~~.

SECTION 11. Article 5—Main Extensions, of Chapter 3—Water, of Title VII—Public Works, of the Arcata Municipal Code is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

SEC. 7700 Main Extensions.

The following rules are established:

* * *

(b) APPLICATION. Any owner of one or more lots or parcels or subdivider of a tract of land where, in the opinion of the Director of Environmental Services, one or more main extensions is required, desiring regular water service to serve such property, shall make a written application therefor ~~therefore~~ to the Environmental Services Department, said application to contain the legal description of the property to be served and tract number thereof, and any additional information which may be required by the Environmental Services Department, and be accompanied by a map showing the location of the proposed connections.

* * *

SECTION 12. Chapter 5—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code is hereby recodified as Chapter 6—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code.

SECTION 13. Section 8500—Findings, of Chapter 5—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code is hereby recodified as Section 8600—Findings, of Chapter 6—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code.

SECTION 14. Section 8501—Purpose and Intent, of Chapter 5—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code is hereby recodified as Section 8601—Purpose and Intent, of Chapter 6—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code.

SECTION 15. Section 8502—Definitions, of Chapter 5—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, Title VIII—Building Regulations, of the Arcata Municipal Code is hereby recodified as Section 8602—Definitions, of Chapter 6—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code.

SECTION 16. Section 8503—Expedited Permitting Process, Checklist, of Chapter 5—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code is hereby recodified as Section 8603—Expedited Permitting Process, Checklist, of Chapter 6—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code.

SECTION 17. Section 8504—Permit Application Processing and Approval, of Chapter 5—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code is hereby recodified as Section 8604—Permit Application Processing and Approval, of Chapter 6—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code.

SECTION 18. Section 8505—Technical Review, of Chapter 5—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code is hereby recodified as Section 8605—Technical Review, of Chapter 6—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code.

SECTION 19. Section 8506—Electric Vehicle Charging Station Installation Requirements, of Chapter 5—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code is hereby recodified as Section 8606—Electric Vehicle Charging Station Installation Requirements, of Chapter 6—Electrical Vehicle Charging Station (EVCS) Permit Streamlining, of Title VIII—Building Regulations, of the Arcata Municipal Code.

SECTION 20. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 21. ENVIRONMENTAL REVIEW. This Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it makes minor and non-substantive revisions to clarify and update existing laws and practices, does not alter any existing regulation or its implementation, and does not create new regulations or programs. There is no possibility that the revisions herein may have a significant effect on the environment.

SECTION 22. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days from and after its final passage, provided it is published pursuant to Government Code section 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

DATE:

ATTEST:

APPROVED:

City Clerk, City of Arcata

Mayor, City of Arcata

CLERK’S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1567, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

City Clerk, City of Arcata