

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



*The Mission of the Town of Yucca Valley is to
provide a government that is responsive to the needs and
concerns of its diverse citizenry and
ensures a safe and secure environment
while maintaining the highest quality of life*

**TUESDAY
FEBRUARY 8, 2011
6:00 p.m.**

**YUCCA VALLEY COMMUNITY CENTER, YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

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PLANNING COMMISSION MEMBERS

*Robert Lombardo, Chairman
Mike Alberg, Commissioner
Gregory Graham, Commissioner
Tim Humphreville, Commissioner*

AGENDA

REGULAR MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., TUESDAY, FEBRUARY 8, 2011

The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's office at (760) 369-7209 at least 48 hours prior to the meeting.

If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Planning Commission secretary. The Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.

CALL TO ORDER:

ROLL CALL: Mike Alberg, Commissioner
Gregory Graham, Commissioner
Tim Humphreville, Commissioner
Robert Lombardo, Chairman

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Action: Move by _____ 2nd by _____ Voice Vote _____.

PUBLIC COMMENTS

In order to assist in the orderly and timely conduct of the meeting, the Planning Commission takes this time to consider your comments on items of concern, which are not on the agenda. When you are called to speak, please state your name and community of residence. Please limit your comments to three minutes or less. Inappropriate behavior, which disrupts or otherwise impedes the orderly conduct of the meeting, will result in forfeiture of your public comment privileges. The Planning Commission is prohibited by State law from taking action or discussing items not included on the printed agenda.

PUBLIC HEARINGS: None

DEPARTMENT REPORTS:

P.1 1. ASSIGNMENT OF TWO COMMISSIONERS TO PARTICIPATE IN THE AFFORDABLE SENIOR HOUSING PROJECT AD HOC COMMITTEE.

A request that the Planning Commission designate two Commissioners to participate in the Affordable Senior Housing Project ad hoc committee.

Applicant: Town of Yucca Valley

Representative: Staff

Staff Report:

Recommendation: That the Planning Commission discusses and assigns two Commissioners to participate in the Affordable Senior Housing Project ad hoc committee.

Action: Moved by _____ 2nd by _____ Voice Vote _____.

P.31 2. MINOR PERMIT APPLICATION PROCES – REVIEW AND DISCUSSION

Applicant: Town of Yucca Valley

Representative: Staff

Staff Report:

Recommendation: That the Planning Commission:

1. Review, discuss, and provide feedback and comment on timeframes for Minor Permit Applications;
2. Review, discuss and provide feedback and comment on the process and information provided through the Minor Permit Application process;
3. Review, discuss and provide feedback and comment on the approval authority for Minor Permit Applications

Action: Moved by _____ 2nd by _____ Voice Vote _____.

CONSENT AGENDA:

All items listed on the consent agenda are considered to be routine matters and may be enacted by one motion and a second. There will be no separate discussion of the consent agenda items unless a member of the Planning Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the discussion. Public requests to comment on consent calendar items should be filed with the Deputy Town Clerk before the consent agenda is called.

P.207 **3. MINUTES -**

A request that the Planning Commission approve as submitted the minutes of the regular meeting held on January 11, 2011.

Action: Moved by _____ 2nd by _____ Voice Vote _____.

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

February 22, 2011 - Continuation of discussion of generic Tract and Parcel Map applications, requirements and Conditions of Approval.

March 2011 – Begin discussion of generic Conditional Use Permit application, requirements and Conditions of Approval. Begin discussion of hand out and included Flow Chart explaining the development process from beginning to completion of construction. General Plan Annual Review

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Alberg
Commissioner Graham
Commissioner Humphreville
Vice-chair Rowe
Chairman Lombardo

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, February 22, 2011 at 6:00 p.m.

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners
From: Jeannie Lindberg, Deputy Town Clerk
Date: February 2, 2011
For Commission Meeting: February 8, 2011

Subject: Assignment of two Commissioners to participate in the Affordable Senior Housing Project ad hoc committee.

Executive Summary: From time to time Commissioners are asked to participate in discussions outside of Commission meetings which concern important topics in the community, and report back to the full Commission on that participation and those discussions.

Recommendation: That the Planning Commission discusses and assigns two Commissioners to participate in the Affordable Senior Housing Project ad hoc committee.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Commission Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

Discussion: The Redevelopment Agency and Town Council have been discussing the construction of an Affordable Senior Housing Project on Town owned property at the northwest corner of SR62 and Dumosa Ave. At the meeting on February 1, 2011 the Town Council established an ad hoc committee to work with an ad-hoc committee from the Planning Commission; this committee will support the site planning and project development efforts associated with the Town's proposed Senior Housing project.

This process is anticipated to include tours of existing similar facilities in surrounding communities and possible attendance at workshops which may or may not be scheduled during regular business hours. No specific dates have been scheduled for the commencement of these activities.

On December 21, 2010 the Town Council authorized the Town Manager to enter into an Exclusive Negotiating Agreement ("ENA") with National Community Renaissance of California (CORE) regarding the development of an affordable senior housing opportunity, proposed at the Town of Yucca Valley's vacant property at Dumosa and SR62. CORE's interview presentation is attached.

<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

Staff recommends that the Commission select the representatives.

Alternatives: NA

Attachments: CORE Interview Presentation



NATIONAL COMMUNITY RENAISSANCE

OCTOBER 7, 2010
TOWN OF YUCCA VALLEY
29 PALMS HWY / DUMOSA AVE
DEVELOPMENT PROPOSAL

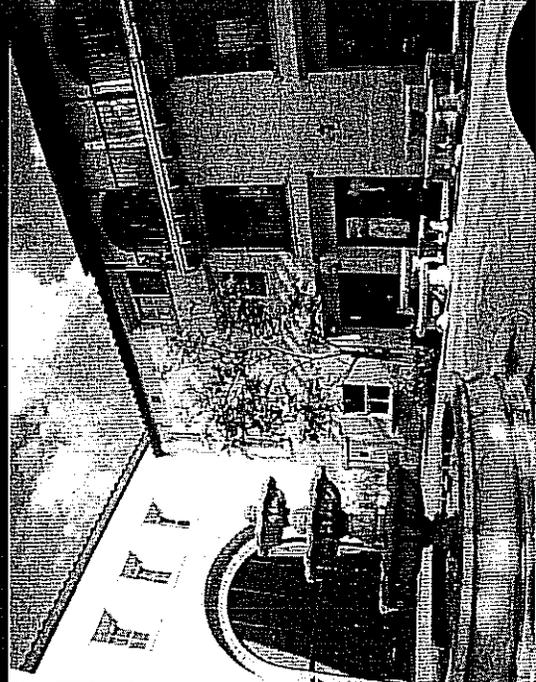
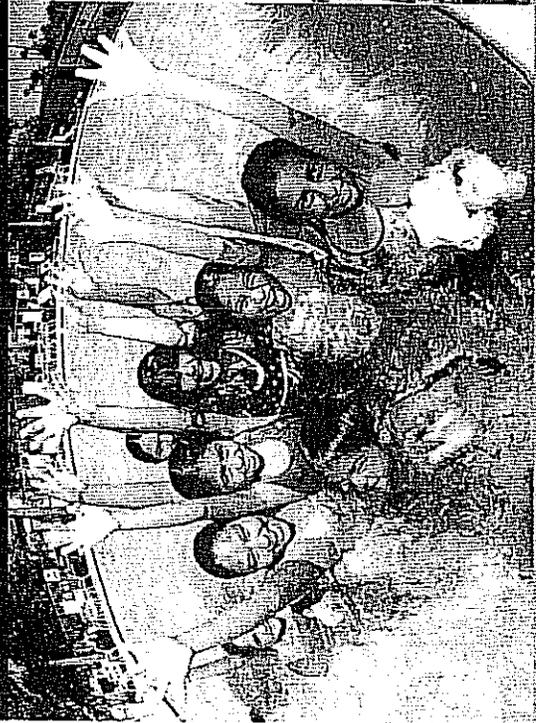
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MISSION / PHILOSOPHY

National Community Renaissance
(National CORE)

A national not-for-profit affordable housing development corporation dedicated to neighborhood revitalization by building and managing quality, service-enriched, affordable housing.

P.4



National Community Renaissance



CAPACITY & EXPERIENCE

Total Residents: 27,000+

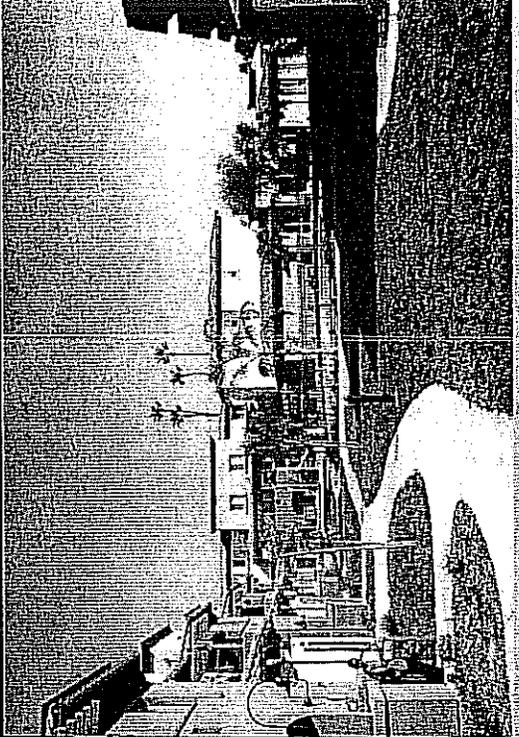
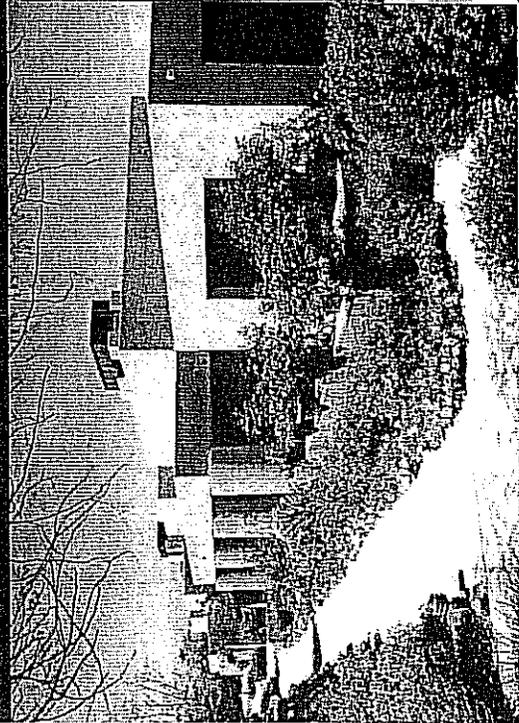
Total Employees: 300+

Approx. 9,000 Units

Nation's 4th Largest Non-Profit Developer

FULL SERVICE ORGANIZATION

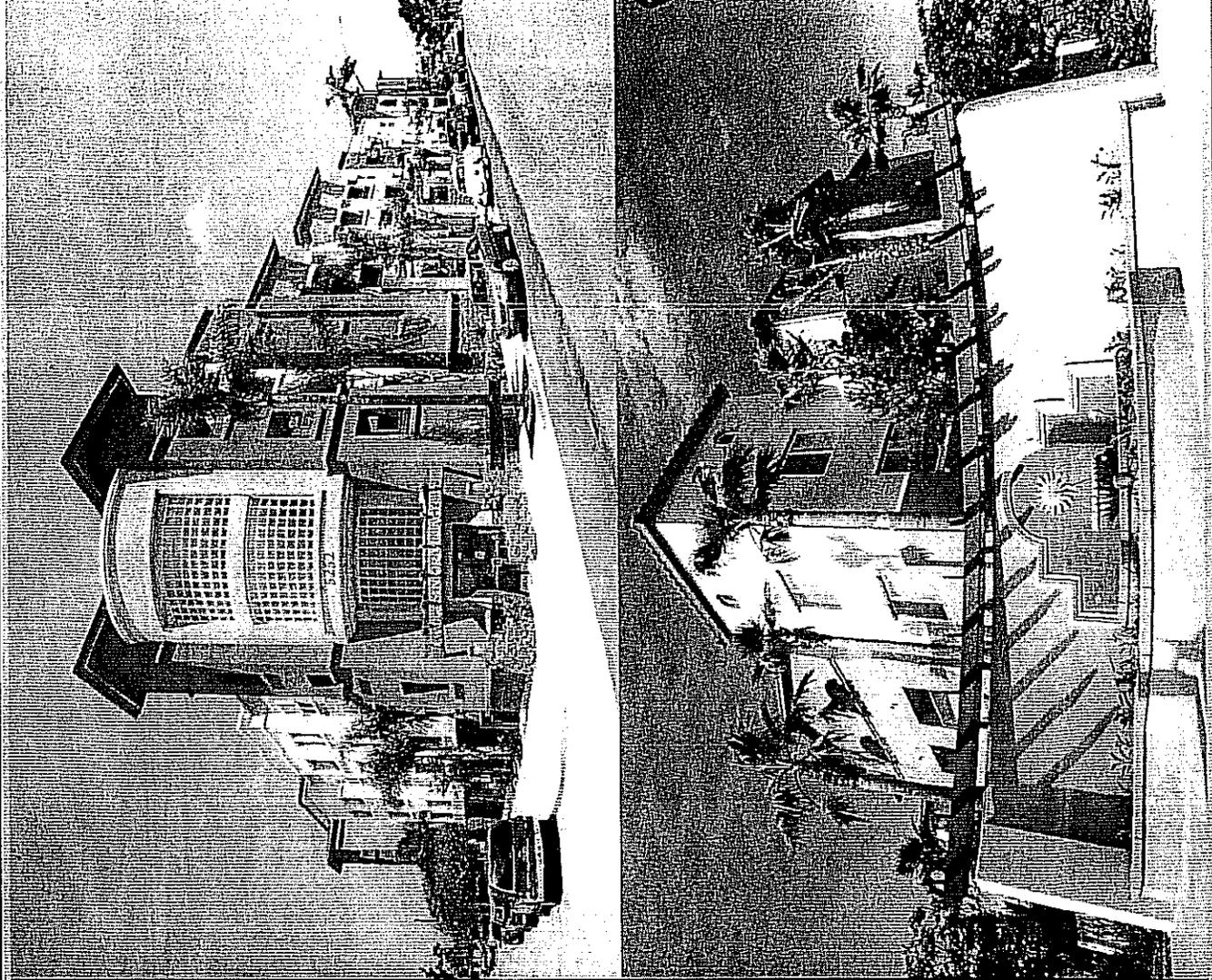
- Acquisitions
- Project Development
- Construction
- Property Management
- Compliance
- Asset Management
- Social Services



National Community Renaissance

AREAS OF EXPERTISE

- Acquisition / Rehabilitation
- New Construction
- Preservation
- Inclusionary Partnerships
- Mixed-Use
- Senior Housing
- Multifamily Housing
- Infill Development



HOPE THROUGH HOUSING
FOUNDATION

Outcome-based educational, health
and social programs provided to
National CORE communities.

P.7

Programs include:

- Child Development
- Youth Development
- Senior Wellness





SELECTED PROPERTY PROFILES:
SAN BERNARDINO / RIVERSIDE COUNTY

P. 8

OOD

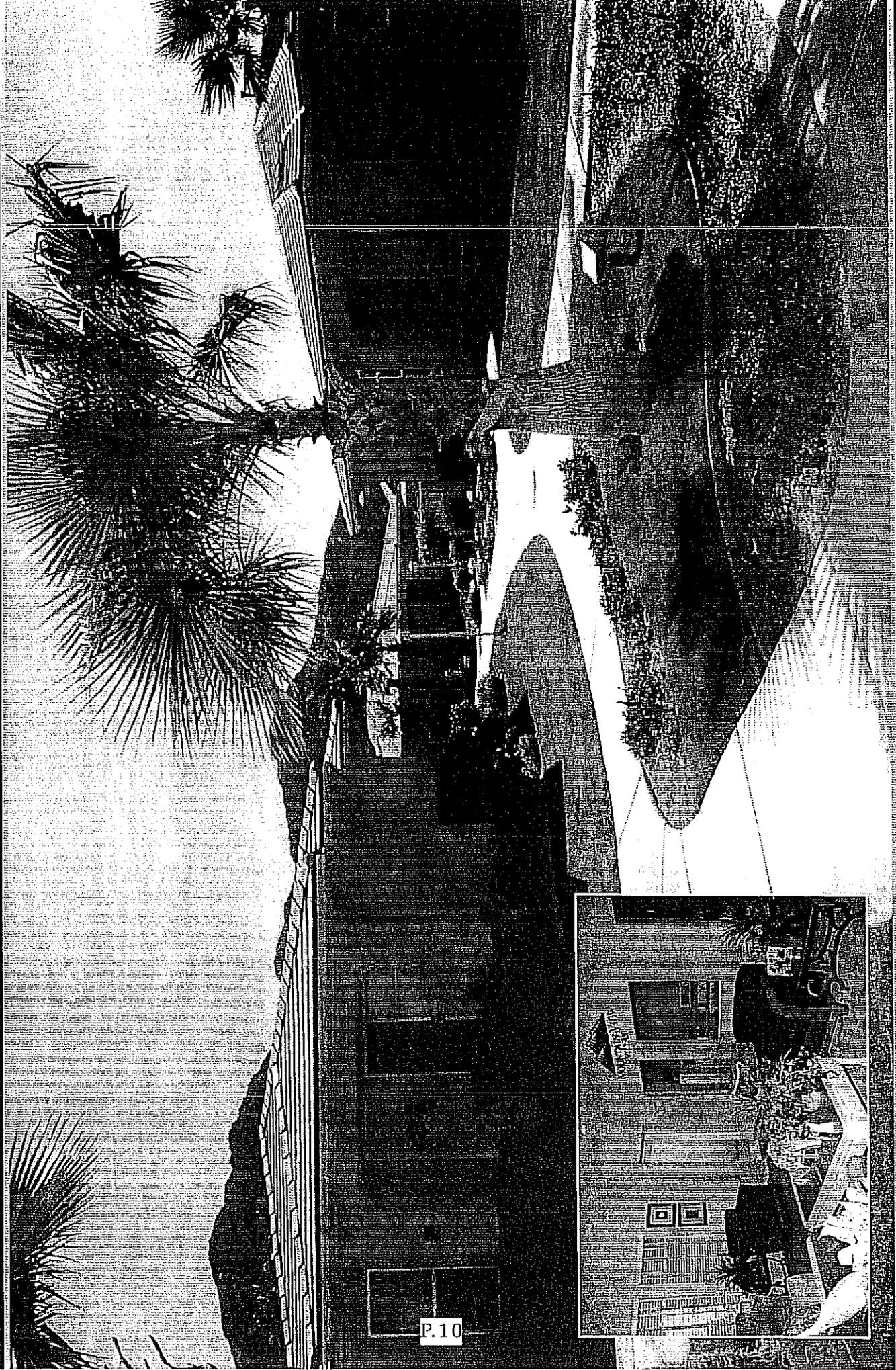
VISTA DUNES, LA QUINTA



P.9

National Community Renaissance

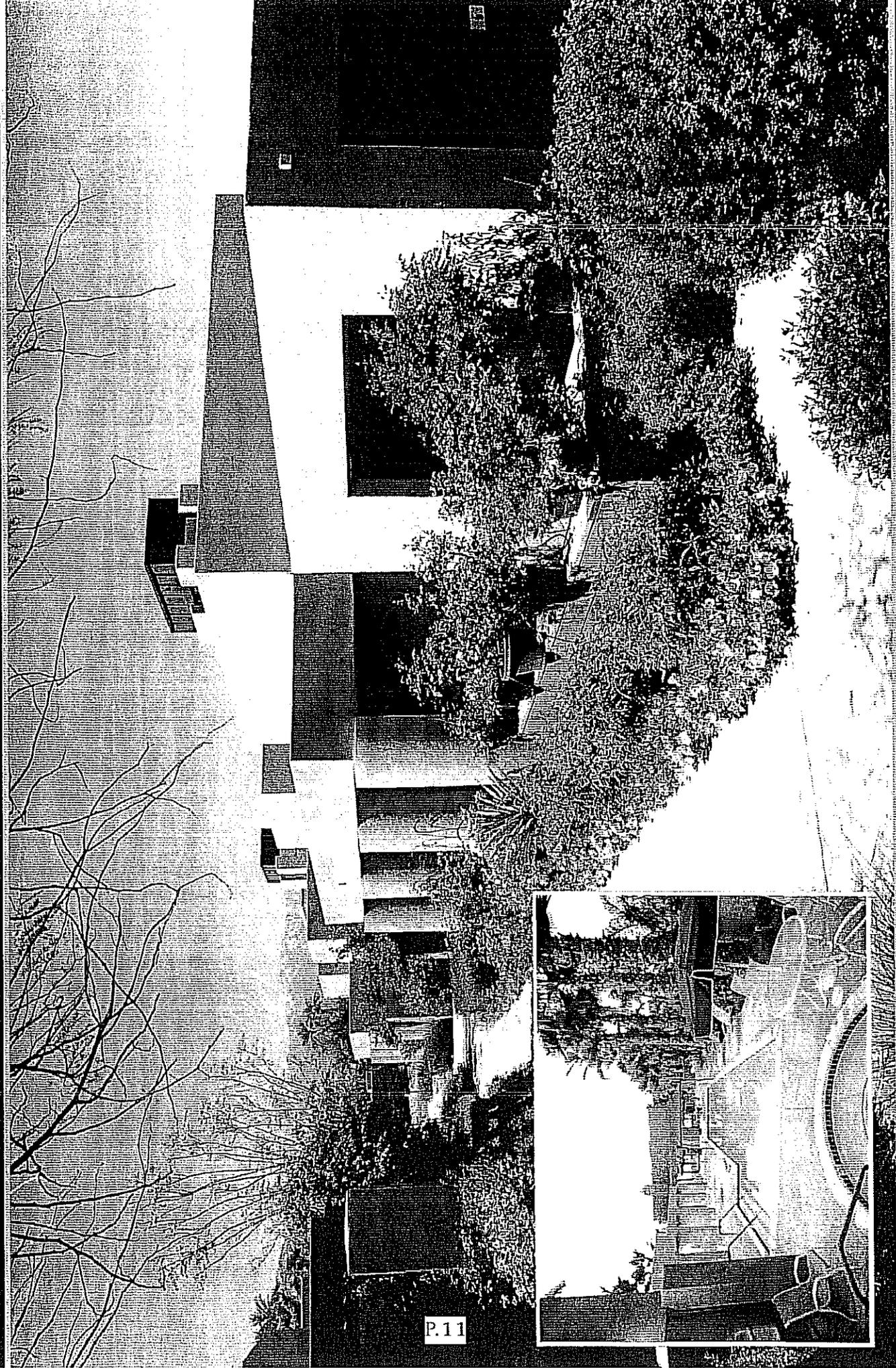
●●●●● MOUNTAIN VIEW VILLAS, INDIAN WELLS



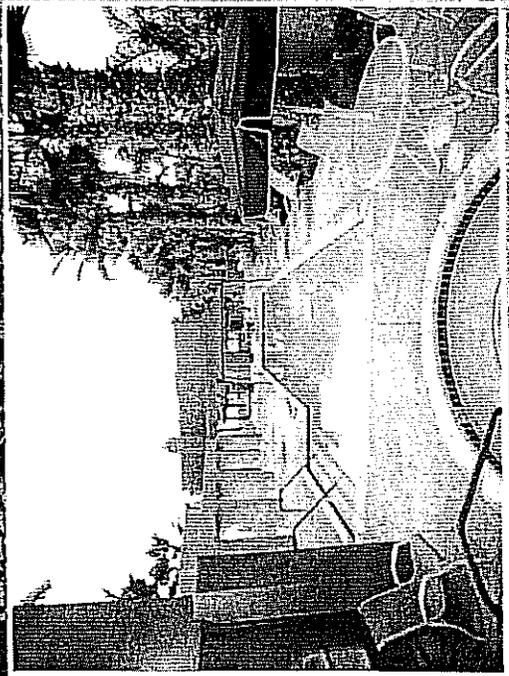
National Community Renaissance

COORE

INDIAN WELLS VILLAS, INDIAN WELLS



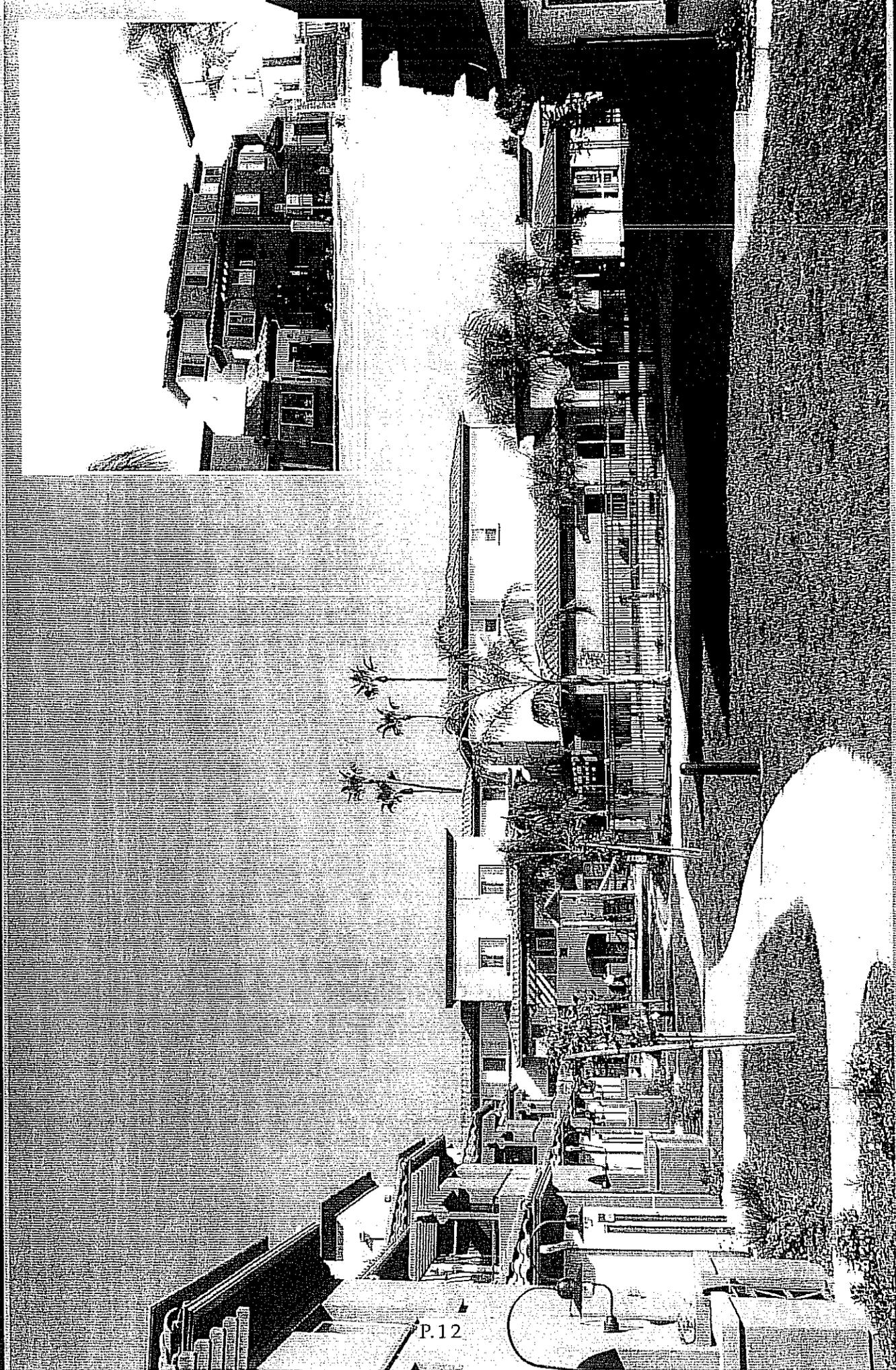
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National Community Renaissance

COORE

SAN ANTONIO VISTA, MONTCLAIR

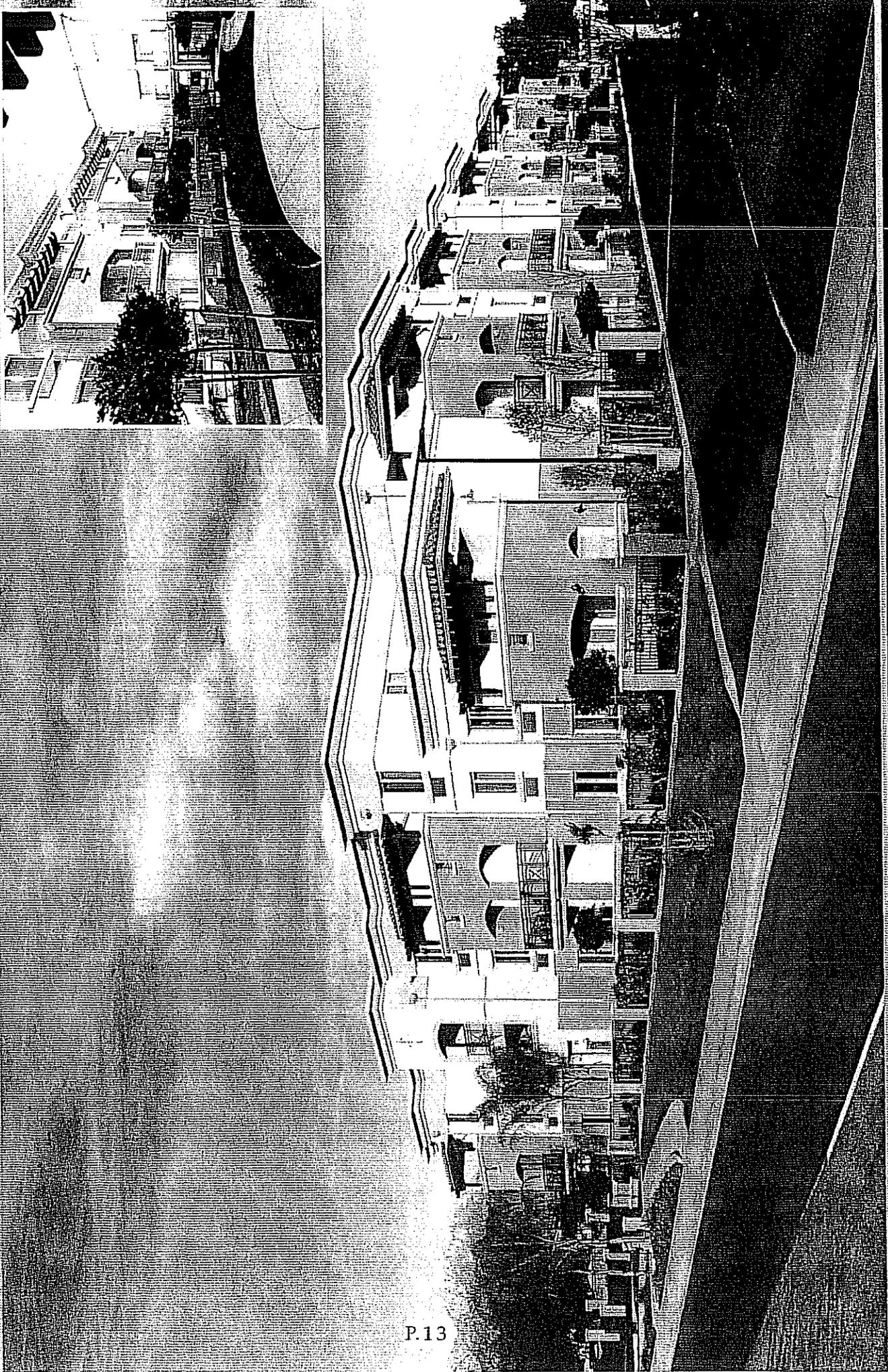


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National Community Renaissance

COORE

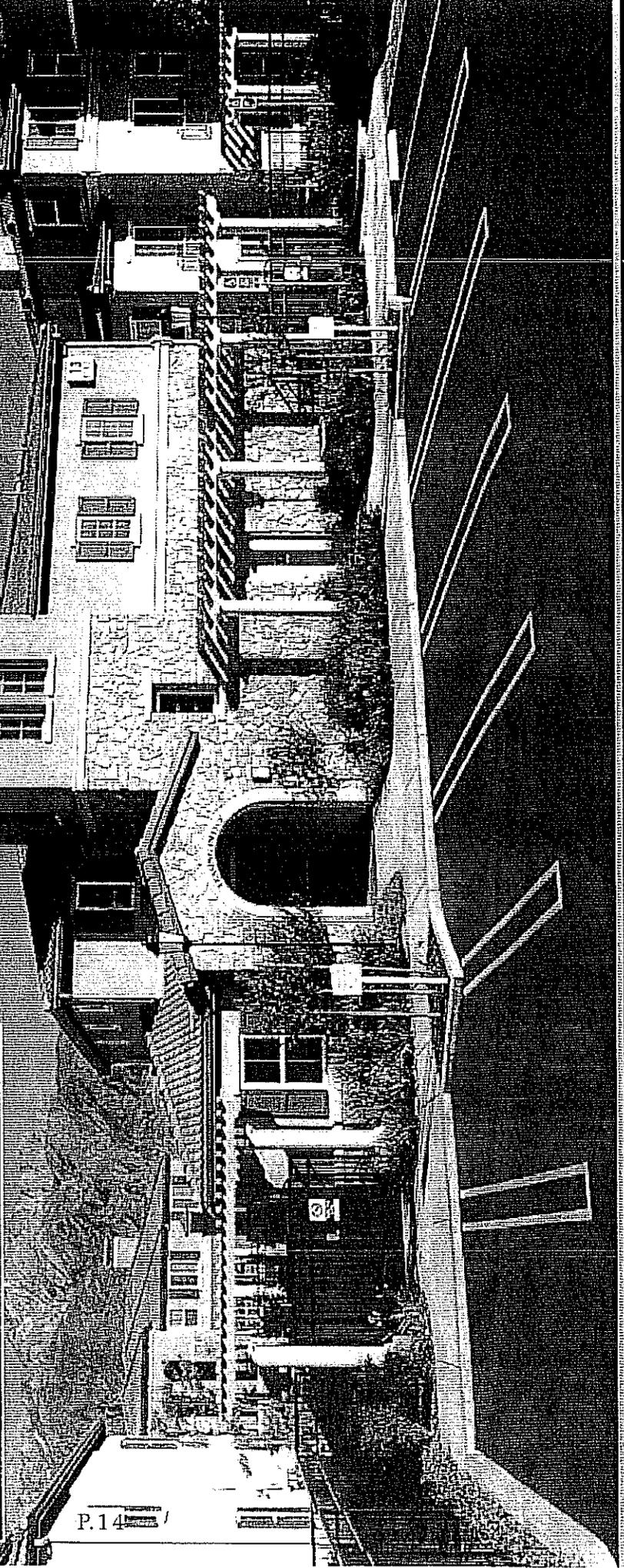
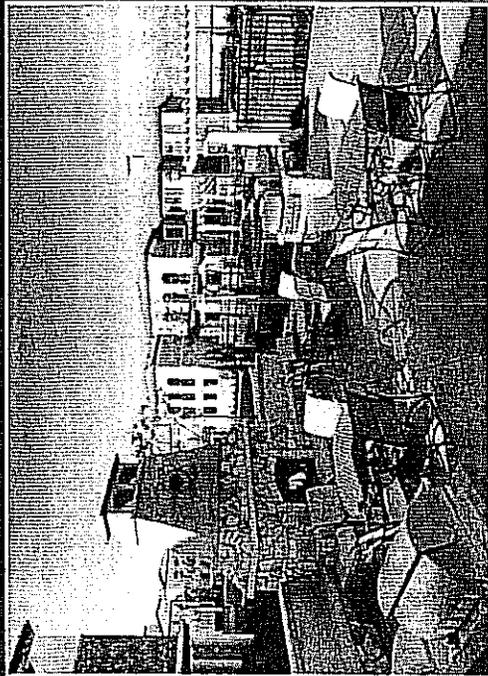
SAN MARINO, MONTCLAIR



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National Community Renaissance

COORE VILLAGGIO ON ROUTE 66, RANCHO CUCAMONGA



National Community Renaissance

COORE

MISSION VILLAGE, RIVERSIDE

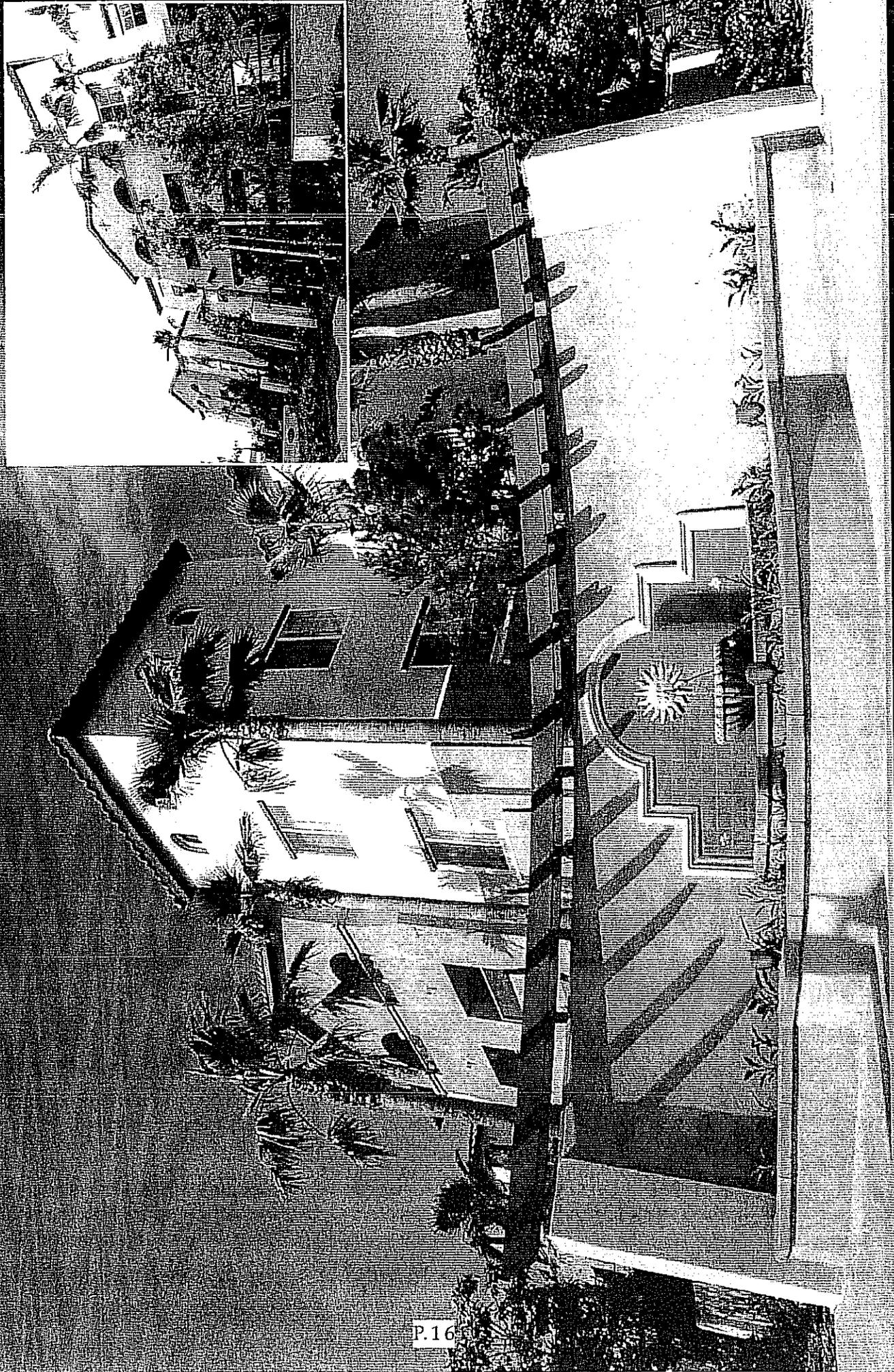


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National Community Renaissance

ORE

FOUNTAINS AT SIERRA, FONTANA

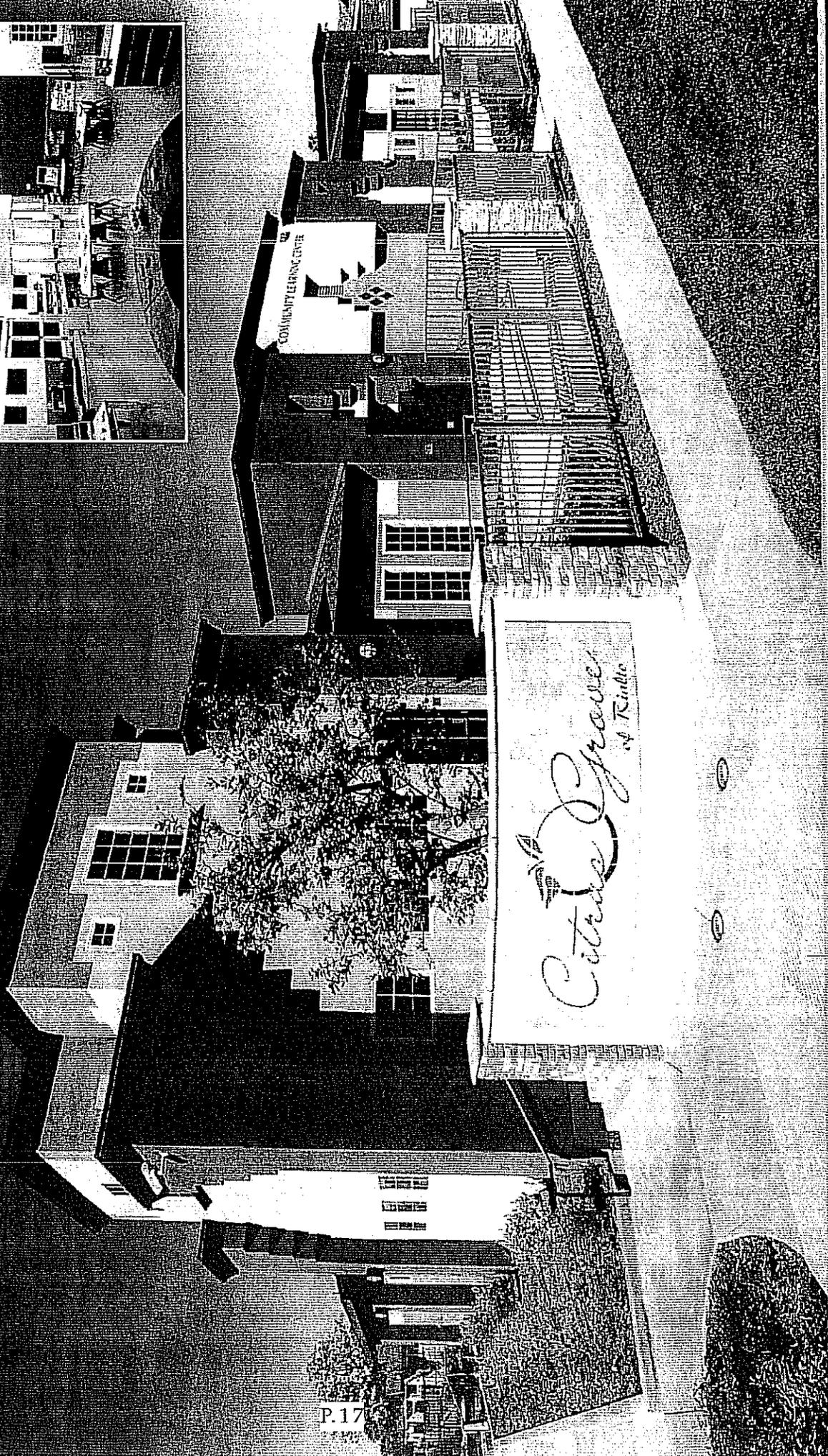
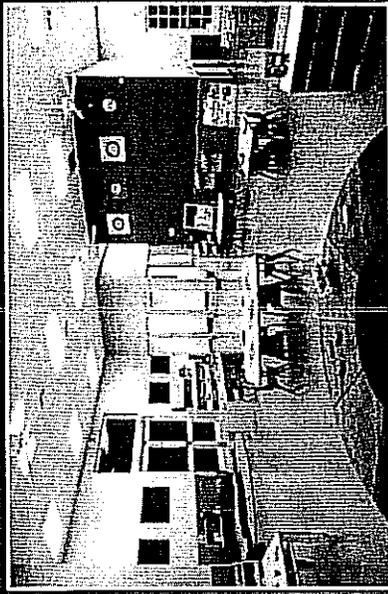


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National Community Renaissance

COORE

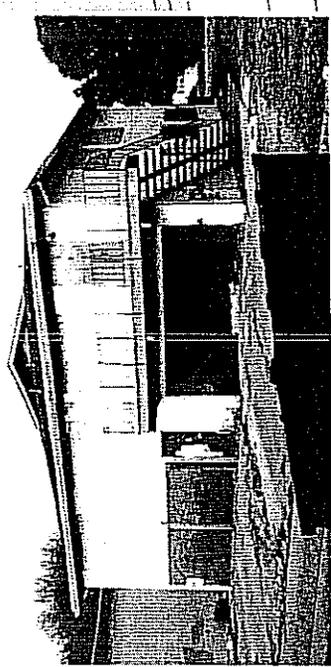
CITRUS GROVE AT RIALTO



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BEFORE



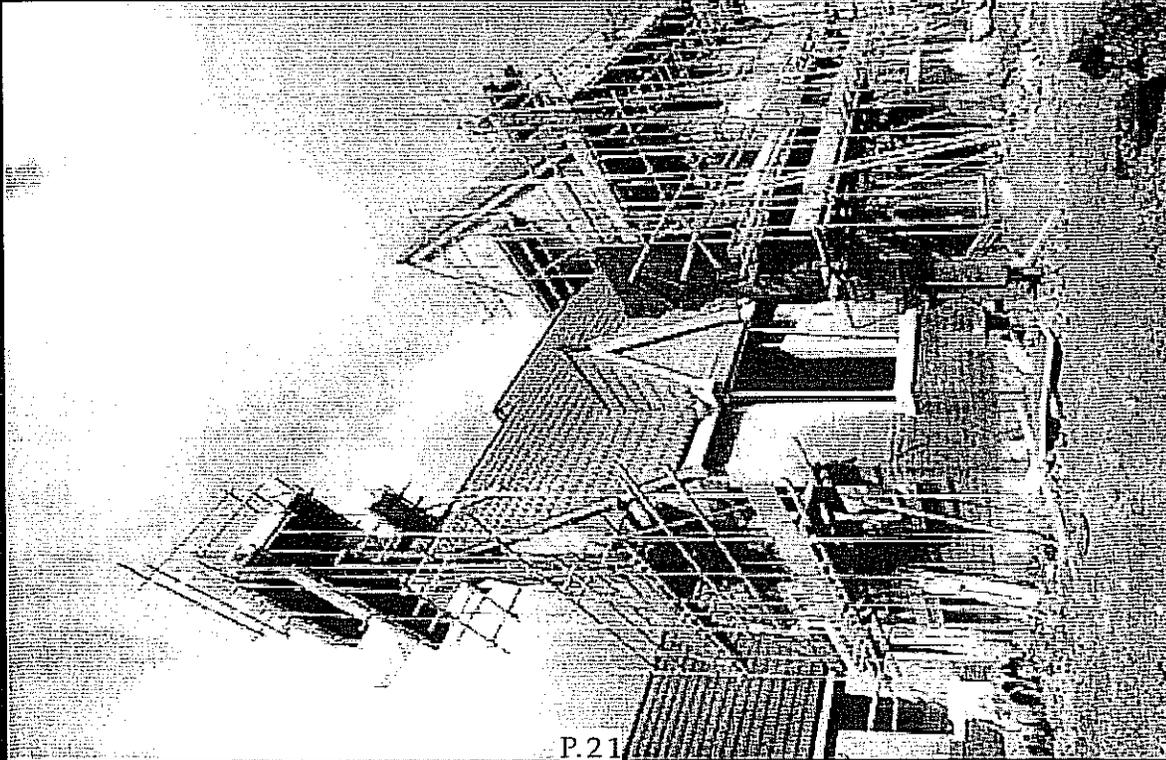
AFTER



DEVELOPMENT PROPOSAL OVERVIEW

P.19

- Flat site with no visual evidence of rock formations
- Relatively few native plants to corral – maintain and re-use
- Signage to indicate town hall should be maintained
- Design should consider buildings backing up to rear motel parking lot – avoid overlooking single family homes back yards
- Appropriate location amenities including; Senior Center, Town hall Campus, community center Park, Library, Public transportation, Airway medical Center, Desert Hills plaza shopping center, and schools



Site can accommodate development of:

- 75 Units Senior Housing
- 45 Units Family Housing

Community / Learning Center On-site and
Recreational Amenities

Community Outreach/Input Critical

On-Site Amenities



- On-site management, professional staff critical

- Fenced and gated community for resident security

- Provision of on-site social services

- Computer center/community space for resident use

- Security cameras throughout property

- Other amenities may include tot-lot, swimming pool, barbecue areas, fitness center depending on site constraints



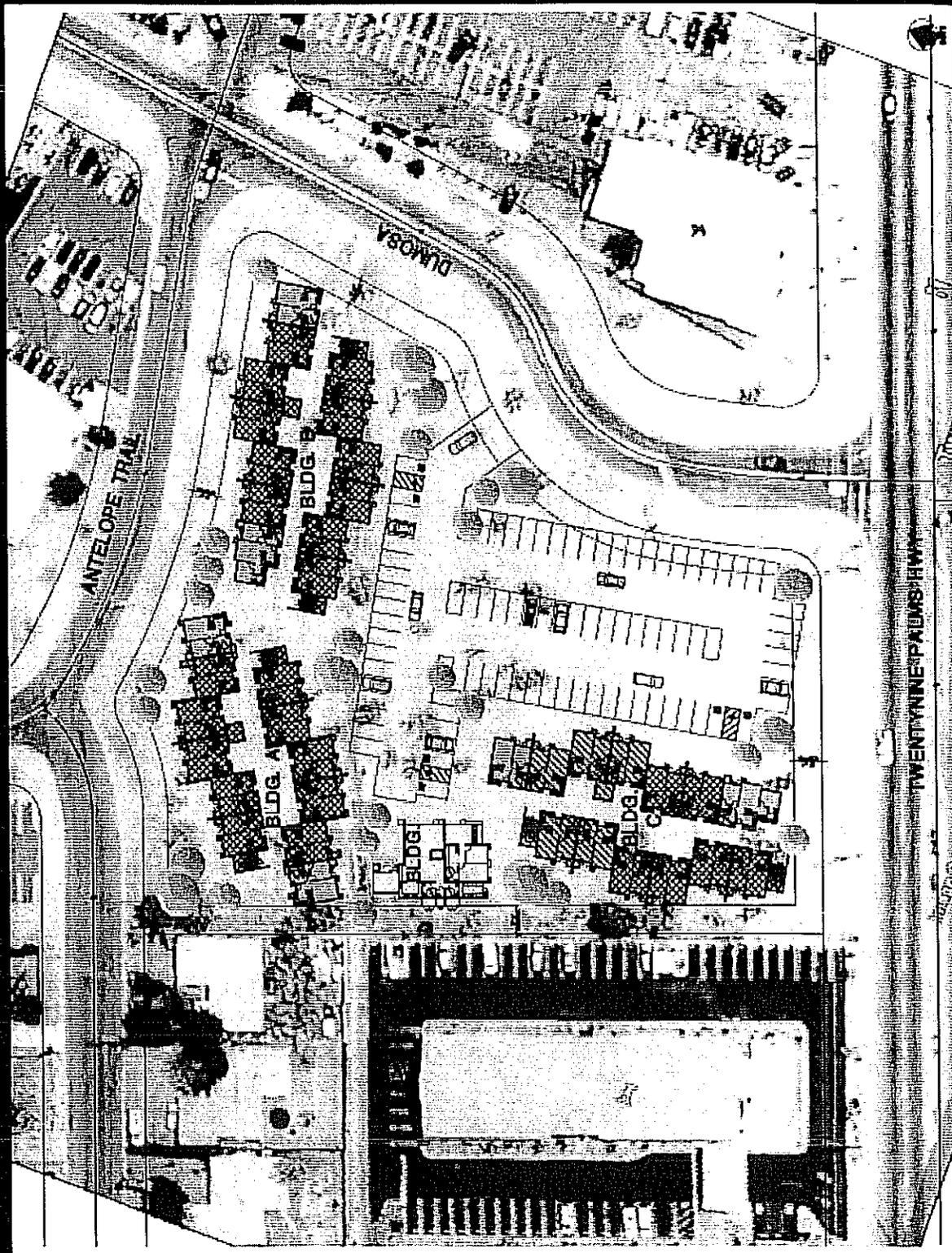
DESIGN APPROACH

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National Community Renaissance

- Lack of sewer facilities, need to add sewage treatment package plant
- Widening of SR-62, potential Caltrans review impact on schedule
- Upgrade storm drainage to 48" in SR-62
- Widening of Dumosa
- Upgrade storm drainage to Yucca Creek with 54", outlet structure?, deceleration structure? hydrology reporting? increased speed and queue causing excessive erosion? Potential SB County flood control on Schedule
- Native plant ordinance
- Dark sky ordinance
- General plan amendment rezone with tract map
- On-site retention basin required
- Town hall visibility from SR-62 may be blocked

PRELIMINARY SITE PLAN





FINANCIAL STRUCTURING



POTENTIAL FUNDING SOURCES

- 9% Low Income Housing Tax Credits
- 4% tax credits/tax exempt bonds/HUD Section 202 funds
- County of San Bernardino HOME funds
- AHP Funds
- Deferred developer fees
- Land donation
- Agency housing set aside funds
- Conventional private bank loans
- HCD MHP funds
- Rural Housing funds



COMPLETION TIMELINE

- Anticipate HUD 202 funding round at end of October 2010 – results released in approx. 6 months
- Anticipate County of San Bernardino HOME NOFA in July 2011 – notice of award in approx 3 months
- 9% competitive tax credit rounds held in March and July of each year
- 4% credits over the counter with CDLAC approval meetings bi-monthly
- AHP application for funding typically due April and October annually
- MHP round anticipated next year - timing unknown

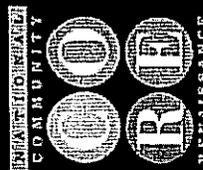
COMMUNITY STRATEGIC PLAN

- Develop a Senior project on 29 Palms Hwy / Dumosa Ave. site using HUD 202 funds w/ 4% tax credits as a first phase – Approx. 75 senior units
- Develop a Family project using 9% tax credits on Site 1 (APN 586-321-01 & 02), Site 2 (APN 586-321-15,16, & 17) and Site 3 (APN 586-321-11,12,13, & 14) (Total 3.16 acres) – Approx. 40-45 family units



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THANK YOU



National Community Renaissance

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Planning Commission
From: Diane Olsen, Planning Technician
Date: January 25, 2011
For Commission Meeting: February 08, 2011

Subject: Minor Permit Application Process
Planning Commission Review & Discussion

Prior Council Review: None for this specific item.

Recommendation: That the Planning Commission receives the report and provides feedback to staff regarding timelines for the processing of minor permits.

Executive Summary: The purpose of this staff report is to provide the Planning Commission the opportunity to review and discuss minor permit processing timelines. The Development Code establishes requirements for several different types of permits that are approved at the staff level.

These permits are issued by the Planning Technician, and if possible, are issued over the counter at the time of permit application. Certain permits, such as Sign Permit, Home Occupation Permit or Massage License may require additional time due to the requirements for a building permit, Department of Justice fingerprint clearance, or the requirement for a permit hearing. Minor permit actions at staff level may be appealed to the Planning Commission.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Commission Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

Discussion: The following information outlines permit application and processing information for what are commonly termed "minor permits". Minor permits discussed in this staff report include the following.

Reviewed By:

Town Manager

Town Attorney

Mgmt Services

Dept Head

___ Department Report

___ Ordinance Action

___ Resolution Action

___ Public Hearing

___ Consent

___ Minute Action

___ Receive and File

___ Study Session

Address Requests	Commercial Building Color Changes
Film Permits	Native Plant Permits
Sign Permits	Peddling, Hawking, and Soliciting
Massage Technician Permits	Massage Establishment
Livestock Permit	Temporary Sign Permits
Temporary Special Event Permit	Home Occupation Permit
Public Convenience or Necessity	Bed & Breakfast Special Use Permit
Kennel Permit Special Use Permit	Exotic Animal Special Use Permit

The types of minor permits that the Town processes, a description of the types of activities that are regulated, requirements for submittal, and the time frames associated with the application are discussed below.

ADDRESS REQUESTS, ALL PROPERTIES:

Properties are assigned addresses in conjunction with the initial construction on the property. Vacant properties do not have addresses assigned, unless requested on an individual case by case basis.

Staff verifies the addresses of adjacent property based upon information from the County Assessors Offices and assigns the appropriate address. The assigned address is provided to the applicant, all utility companies, San Bernardino County Fire, Assessor's office and to the Registrar of Voters. The application is commonly processed over the counter.

COMMERCIAL DESIGN GUIDELINES AND COLOR CHANGES:

Commercial Design Guidelines Color Changes implement the Commercial Design Guidelines, adopted and approved by the Town Council through Resolution 10-06 on March 02, 2010.

If the owner of a commercial property is proposing to change the exterior color of a commercial structure, an application for Exterior Color Change and color swatches are submitted to the Planning Division. This process allows Planning Staff to review the submitted color samples and determine consistency with the Commercial Design Guidelines. This application is commonly reviewed and approved over the counter.

FILM PERMIT APPLICATIONS:

Film Permit applications implement Ordinance No. 85, adopted by the Town Council on March 19, 1998.

Anyone proposing to use explosives or combustibles or proposing to close off any streets during the process of filming must obtain a Film Permit from the Planning Division. The submittal includes a completed application form, a location map, and a certificate of

insurance with an endorsement naming the Town as an additional insured. If the applicant is proposing to close off any portion of 29 Palms Hwy, approval from Cal Trans will be required. The Planning Division will review the proposal and obtain necessary approvals from agencies such as the Fire Dept, or the Sheriff's Dept. The timeframe for the processing of this application can vary from one to five working days or more based upon receiving approvals from other agencies.

NATIVE PLANT PERMIT APPLICATIONS:

Native Plant permit applications implement Ordinance No. 140, adopted by the Town Council on June 09, 2003.

The removal, transplanting or trimming of any regulated native plant requires the issuance of a Native Plant Permit. These permits are commonly issued over the counter, provided that the applicant has submitted photos of the plant in question or a site plan clearly demonstrating that the plant qualifies for removal. If no photos are provided, an inspection of the property will be conducted within 24 hours of the request and the permit will be mailed to the applicant.

SIGN PERMIT APPLICATIONS:

Sign permit applications implement Ordinance No. 156, adopted by the Town Council on September 02, 2004.

Whenever a new, additional, or replacement sign is proposed, a Sign Permit is required. Prior to submittal of a sign permit application, staff is frequently contacted by the sign company to obtain the sign standards of the Ordinance. At this time, staff will request electronic copies of the plans to conduct a cursory review to provide preliminary information on number, size and placement of signs in accordance with the Ordinance.

When the formal application is submitted, it is reviewed for consistency with the Sign Ordinance. If the project does not meet the requirements set forth in the Ordinance, a letter will be provided to the applicant. Once the corrected plans are returned from the applicant, planning staff will again review the submittal and mail the approved permit to the applicant.

As a note, building permits are also required for the installation of permanent signs. The Plan Check process can take up to ten days business.

TEMPORARY SIGN PERMITS:

Temporary Sign permit applications implement Ordinance No. 156, adopted by the Town Council on September 02, 2004.

The installation of a temporary sign requires a Temporary Sign Permit. Temporary signs include wall banners, b-wing banners, and freestanding signs identifying a new subdivision. The submittal includes a completed application and a drawing of the proposed sign. The submittal is reviewed for consistency with the Sign Ordinance. If the applicant submits the necessary information, this permit can be issued over the counter.

For the placement of political signs prior to an election, a Political Sign Permit is required. The applicant will submit the completed application along with a map of the general locations that the signs will be placed. This permit is issued over the counter and is valid forty five days prior to an election and expires fifteen days after the election.

The Sign Ordinance will be reviewed as part of the Development Code update process.

SPECIAL LICENSE PERMIT APPLICATIONS:

Certain activities, such as the sale of firewood or flowers, the operation of an ice cream truck, or door to door sales require the issuance of Special License Permit.

PEDDLING/HAWKING SPECIAL LICENSE:

Peddling and Hawking permit applications implement Ordinance No. 99, adopted by the Town Council on November 19, 1998.

Peddling is defined as any person traveling from place to place, conveying goods for sale. Hawking is defined as any person in a stationary location offering goods for sale. Soliciting is defined as any person traveling from place to place taking orders for merchandise to be delivered at a later date or asking for donations by any means.

Provided the applicant has the necessary information at submittal, including a completed application, a copy of the state sales tax permit, photographs of applicant and property owner permission, the permit can be issued over the counter.

TEMPORARY SPECIAL EVENT, SPECIAL LICENSE:

Temporary Special Event permit applications implement Ordinance No. 210, adopted by the Town Council on May 18, 2010.

To hold an event such as a carnival or parking lot sale requires the issuance of a Special License Permit for a temporary special event. With the exception of a Farmers Market, these events are limited to a ten day time period. The applicant must submit the application, the required fees, a site plan of the proposed event and insurance documents listing the Town of Yucca Valley as additional insured. If this information is provided with

the application submittal, the permit can be issued over the counter. Occasionally an event will require an additional approval from another agency, such as Cal-Trans for highway closures or San Bernardino County Fire Department for carnivals, which may add additional time to the permit approval process.

MESSAGE PERMITS:

Massage establishment permit applications, massage technician permit applications and outcall massage permit applications implement Ordinance No. 96, adopted by the Town Council on November 05, 1998. To operate a massage establishment, to work as a massage technician or to work as an outcall technician requires the approval of a Special License Permit.

On September 27, 2008, the State of California passed SB 731 which established standards and permitting requirements for massage licensing. SB 731 allows for a Massage technician to apply to the State and obtain one license. That license is good for any jurisdictions within the state. If the applicant provides a copy of the state license, a massage technician license from the Town is not required.

Section 4612(b) (4) of the State law does not allow for Massage Establishments to be treated differently from other professional or personal service businesses in terms of land use and zoning regulations. Therefore, since the Town has no special permit requirements for professional or personal service businesses, such as doctors, lawyers, salons, etc no additional requirements can be imposed on a massage establishment. The Town does have the authority to require a permit for a massage establishment to insure compliance with health and safety regulations.

MESSAGE ESTABLISHMENTS:

To obtain a massage establishment permit, the applicant would submit a completed application to the Town. A field inspection would then be conducted for compliance with the Ordinance. If the establishment meets all the required Conditions, a permit is issued. If there are corrections to be made based upon the inspection, a re-inspection would be conducted after those violations have been rectified.

MESSAGE TECHNICIAN and OUTCALL MESSAGE TECHNICIAN:

If the applicant chooses to obtain a massage technician or outcall technician permit from the Town of Yucca Valley, a Special License Permit is required. This permit requires a completed application, the submittal of transcripts from an accredited school, livescan fingerprints, medical clearance, and photographs of the applicant. The timeframe for the processing of this application will vary based upon the Town obtaining fingerprint results from the Dept. of Justice, which can take up to thirty days.

An outcall technician is one who travels to the client's location for the purpose of conducting massage

TEMPORARY USE PERMITS:

Temporary use permit applications implement Section 84.0701 of the Development Code adopted from the County upon incorporation.

For the use of a cargo container during construction, for the operation of a model home sales office, for the use of an RV as a residence during construction or for the use of an RV as a construction office during construction a Temporary Use Permit is required. The submittal consists of a completed application along with the required fees, vehicle registration (if required), site plan for model homes, etc. Temporary Use Permits are only issued in conjunction with an active building permit and are approved at the time of permit issuance.

COMMERCIAL ALCOHOL SALES, PUBLIC CONVENIENCE AND NECESSITY:

For the sale of alcohol at a commercial location, the issuance of a public Convenience and Necessity (PCN) may be required. The applicant will apply with the Department of Alcohol Beverage Control (ABC) for a license to sell alcoholic beverages. The **ABC** will determine if there is an over concentration of licenses in the Town of Yucca Valley and if a PCN will be required. If a PCN is required, the applicant will submit the application to the Town along with the required fees. These applications are reviewed and forwarded to the Sheriff' Department for comments. If the Sheriff's Department does not have any comments or concerns, the application is forwarded to the Town Council for review. If the Town Council finds that it is a matter of Public Convenience and Necessity, a letter is sent to ABC stating that determination. Regardless of the determination made by Town Council, the ABC retains the authority to issue or deny the license for alcohol sales.

This requirement is established in the Alcoholic Beverage Control Act, Section 23958.4. This allows jurisdictions up to 90 days to review the application and determine if the request is a public convenience or necessity.

The permits that are discussed below will require additional processing time as these applications may require a public notice and hearing.

HOME OCCUPATION PERMITS:

Home Occupation permit applications implement Ordinance No. 178, adopted by the Town Council on December 08, 2005

If an applicant proposes to operate a business from a residential location, a Home Occupation permit may be required. There are different levels of Home Occupation

Permits. For telecommuting and internet based businesses, which are transparent inside the residence, no permit is necessary. For businesses that have no sales of merchandise at the site or no customers visiting the residence, the permit can be issued without a permit hearing. The applicant will submit the completed application and a field inspection of the property will be conducted.

If the applicant is proposing the sale of merchandise at the location and/or customers will be visiting the site, a permit hearing is required as part of the process. The applicant must submit a completed application and a three hundred foot radius mailing list. The radius mailing list is a list of all property owners and mailing addresses within three hundred feet of the subject property. A notice of hearing is sent to these property owners to advise them of the potential business to be conducted in the area. If the Planning Division does not receive any response in opposition or support from the surrounding property owners five days prior to the hearing, staff may elect not to hold the hearing and the permit is approved. If there are concerns, or issues raised a hearing will be held. As a result of the hearing the project can be approved, approved in an alternate form, forwarded to the Planning Commission, or denied. Staff decisions may be appealed to the Planning Commission.

LIVESTOCK PERMIT:

Livestock permit applications implement Ordinance 89, Section 84.0560(o) adopted by the Town Council on April 02, 1998.

Ordinance 89, Accessory Animal Raising identifies the types of animals that are permitted at a residentially zoned property based upon lot size and zoning. If an applicant wishes to exceed the number permitted or to have a different type of animal than what is permitted, a Livestock Permit is required. Pursuant to Development Code Section 84.0560(o), a Livestock permit is processed in the same manner as a Home Occupation Permit, which requires noticing and a permit hearing. The applicant must submit a completed application and a three hundred foot radius mailing list. A notice of hearing is sent to these property owners to advise them of the potential animals or number of animals that may be residing in the neighborhood. If the Planning Division does not receive any response in opposition or support from the surrounding property owners five days prior to the hearing, staff may elect not to hold the hearing and the permit is approved. If there are concerns, or issues raised a hearing will held. As a result of the hearing, the project can be approved, approved in an alternate form, forwarded to the Planning Commission, or denied. Staff decisions may be appealed to the Planning Commission.

SPECIAL USE PERMITS

The classification of Special Use Permit consists of several types of permits, Bed and Breakfast, Private Kennel and Exotic Animals.

Bed and Breakfast permits implement Section 84.0620 of the Development Code as adopted from the County upon incorporation. To operate a Bed and Breakfast utilizing one or two bedrooms of a single family residence requires the issuance of a Special Use Permit.

If the applicant wishes to use more than two bedrooms of the residence for the Bed and Breakfast, a Conditional Use Permit is also required. The applicant would then be required to comply with the applicable portions of the Conditional Use Permit Application.

PRIVATE KENNEL, SPECIAL USE PERMITS:

Ordinance 89, Accessory Animal Raising, determines the number of dogs that are permitted in a residential zone. To exceed the allowable number of dogs requires the issuance a Special Use Permit.

EXOTIC ANIMALS:

The exotic animal permit implements Ordinance 128, adopted by the Town Council on April 18, 2002. Exotic animals are defined as any animal of the classes Aves, Mammalia, Amphibia, Osteichthyes, Monorhina, Reptilia, Crustacea or Gastropoda that are restricted by the State. The keeping or maintaining of up to two exotic animals requires the issuance of a Special Use Permit. The keeping of more than two exotic animals requires the approval of a Conditional Use Permit.

For the issuance of a Special Use Permit, the applicant is required to submit a complete application, five copies of a site plan and/or floor plan, and a 300' radius packet. The application is reviewed for consistency with the Development Code. A staff report is prepared. A notice of hearing is sent to surrounding property owners at least ten days prior to the scheduled hearing. The hearing is held to allow surrounding property owners a chance to express their support or objection to the request. The hearing officer can approve the project, deny the project or forward the project to the Planning Commission for further review. If the project is approved, there is a ten day appeal period, and then a permit is issued to the applicant. If the project is denied, the applicant can appeal the decision to the Planning Commission.

SUMMARY:

As discussed above, the processing of minor permit applications is conducted by Planning Staff and many permits are issued over the counter. The approval of minor permits typically takes approximately one to five business days, but can vary if additional information is required from the applicant or if approval from an outside agency is required. The Development Code mandates the submittal requirements and the procedure for processing of the applications.

With the current economic climate, the level of activity in regards to minor permits has been

reduced. This has provided the ability to review and approve the majority of minor permits over the counter or within a few hours. However, staff reductions have resulted in the planning technician spending as much as fifty percent of work hours as primary office support for the Building & Safety Division. This will impact the ability to approve some minor permits over the counter, particularly when permit levels begin to increase.

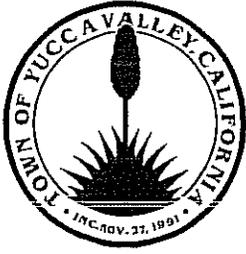
Historically, the activity level of minor permit issuance has been such that review and approval could take up to five working days. Should the level of activity increase, the time for processing permits will likely return to up to five business days.

Alternatives: NA

Fiscal impact: NA

Attachments:

Request for Application	Section 84.0701 Temporary Uses
Exterior Color Change Application	Home Occupation Permit Application
Film Permit Application	Ordinance 178, Home Occupations
Ordinance 85, Filming Permits	Livestock Permit Application
Native Plant Permit Application	Ordinance 89, Accessory Animal
Ordinance 140, Desert Native Plant	Raising
Protection	Public Convenience & Necessity
Sign Permit Application	Application
Sign Permit –Political Application	Massage License Application
Sign Permit –Temporary Application	Ordinance 96, Massage Services and
Ordinance 156, Sign Regulations	Establishment
Peddling Hawking Soliciting Application	Special Use Permit Application
Ordinance 99, Peddling, Hawking,	Section 84.0620 Bed and Breakfast
Soliciting	Section 84.0630 Private Kennels
Temp Special Event Application	Ordinance 128, Exotic Animals
Ordinance 210, Temporary Special	Planning Fee Schedule
Event Permit	California Senate Bill 731
Temp Use Permit Application	



Date Received _____
By _____

ADDRESS REQUEST

(Print Legibly)

NEW ADDRESS CHANGE OF ADDRESS VERIFICATION OF ADDRESS

Please allow a minimum of five working days

Issuance of an address is based upon several factors and criteria. This may include verification of surrounding addresses, street names, block numbers and coordination with other agencies. Completion of the form is recommended but is not an indication that a change of address will be issued. The address request will be processed as efficiently as possible based upon the above factors. If there are any questions or discrepancies, you will be notified. If you have any questions, please feel free to contact staff at your convenience.

Applicant _____

Current Mailing Address _____

City _____ State _____ Zip _____

Phone _____

PROPERTY INFORMATION

Parcel Number _____

Tract Number _____ Lot Number _____

Driveway Entrance Street _____

Reason For Request _____

Previous/Erroneous Address _____

Signature _____

New Assigned Address _____



Date Received _____
By _____
Case # _____

COMMERCIAL BUILDING EXTERIOR COLOR CHANGE REQUEST FORM

Business Name _____

Address _____

Applicant _____ Phone _____

Address _____

City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address _____

City _____ State _____ Zip _____

Assessor Parcel Number(s) _____

Name of Color(s) of Building Siding _____

Name of Color of Building Trim _____

Applicant's Signature _____ Date _____

Property Owner's Signature _____ Date _____

Submittal Requirements:

- Request form
- Color samples of the proposed color scheme

Town of Yucca Valley
Community Development/Public Works Department
58928 Busip. 4¹ Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084

COMMUNITY DEVELOPMENT DEPARTMENT

FILM PERMIT

INFORMATION OUTLINE

This Outline provides you with information on how to apply for a filming permit. We hope that the information packet will be beneficial in instructing you on what information is required and what steps must be taken to review your application. The more thorough and complete the application packet that is submitted to the Town, the better we are able to serve you and help you achieve your goals in a timely manner.

Included are the Filming Permit application and Rules and Regulations. The Application Process Steps are listed to illustrate how your application will be processed. Should you have any questions, please contact the Community Development Department.

DESCRIPTION

A Filming Permit is required for the purpose of taking commercial motion pictures, television pictures, or commercial still photography where the activity involves the use of explosives or combustibles, or other equipment which has the possibility of impacting property or requires police or fire services or where a separate permit is required by the Town or another public agency. Exemptions to this requirement would include the news media, family use, and charitable filming that qualify under Internal Revenue Code.

PERMIT PROCESS

To initiate the process, a **completed application form, location map, and certificate of insurance with endorsement must be submitted**. Action to approve or deny the Filming Permit application is normally taken by the Community Development Director or designee.

Depending on the complexity, the processing of the film permit generally varies from one (1) to five (5) working days. If such activity interferes with traffic or involves potential public safety hazards, an application may take up to the five working days.

Upon a determination by the Community Development Director that the filming meets all Town requirements and has received approvals from applicable Town agencies, an approval letter with conditions of approval will be mailed to the applicant.

RULES AND REGULATIONS:

- A. Change of Date:** Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.
- B. Conditions of Approvals:** The conditions of approval will be based upon the following criteria:
 - 1. The health and safety of all persons;
 - 2. Avoidance of undue disruption of all persons within the affected area;
 - 3. The safety of property within the town; and
 - 4. Traffic congestion at particular locations within the town.

APPLICATION AND ISSUANCE:

- A. Applications:** The following information shall be included in the application:
 - 1. The name of the property owner, the address and telephone number of the place at which the activity is to be conducted.
 - 2. The specific location at such address or place;
 - 3. The inclusive hours and dates such activity will transpire;
 - 4. A general statement of the character or nature of the proposed filming activity;
 - 5. The name, address and telephone number of the person or persons in charge of such filming activity;
 - 6. The exact number of personnel to be involved;
 - 7. Use of any animals or pyrotechnics, and

8. The exact amount/type of vehicles/equipment to be involved.
9. Property owner authorization.

C. Fees: See Attached Fee Schedule

D. Reimbursement for Personnel: The production company shall reimburse the town for any personnel provided to the company (i.e. police, fire, traffic) for the purpose of assisting the production.

LIABILITY PROVISIONS:

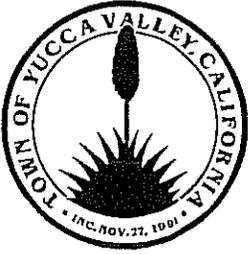
A. Liability Insurance: Before a permit is issued, a certificate of insurance with an endorsement will be required in the amount of \$1,000,000.00 naming the town as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The town officers and employees shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the town. **The cancellation policy shall read as follows:** Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will mail 30 days written notice to the certificate holder named at left. A copy of the certificate will remain on file.

B. Worker's Compensation Insurance: An applicant shall conform to all applicable federal and State requirements for Worker's Compensation Insurance for all persons operating under a permit.

C. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the town prior to the issuance of a permit.

CLEAN UP:

The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the clean up of trash and debris. The area used shall be cleaned of trash and debris upon completion of the filming at the scene and restored to the original condition before leaving the site.



Date Received	_____
By	_____
Fee	_____
Case #	_____

FILM PERMIT APPLICATION

(Print Legibly)

Company _____ Phone _____

Address _____ City _____ State _____ Zip _____

Contact Person/Representative _____ Phone _____

Address _____ City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address _____ City _____ State _____ Zip _____

Location of event. Please indicate which Town road(s) you will utilize during the event.

(Include a location map) _____

Property Owner Signature _____

Total # Personnel: _____ Total # Vehicles/Equip.: _____ Other: _____

Pyrotechnics: _____ Special Effects Permit #: _____

Pyrotechnician: _____ License #: _____

Police required _____ Fire required _____ Other required: _____

Approvals: Police _____ Fire _____ Other _____

Please attach a list of filming dates including a brief description of filming activities, preparation and cleanup.

Prior to issuance of permit, a certificate of insurance must be filed with the Town Planning Department, showing coverage of at least \$1,000,000 Public Liability Insurance. This certificate with an endorsement must list the **Town of Yucca Valley as additionally named insured.** Permittee agrees to indemnify Town, its officers, agents and employees against and hold them harmless of and from all claims and liabilities of any kind arising out of, in connection with or resulting from negligence on part of Permittee, its officers, agents, contractors and employees in connection with work undertaken under this permit, and defend Town and its officers, commissions, agents and employees from any suits or actions at law or in equity for damages, and pay all court costs and counsel fees.

**Town of Yucca Valley
Community Development/Public Works Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084**

ORDINANCE NO. 85

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING
TITLE 8, DIVISION 4, CHAPTER 6 (SPECIAL USES) OF
THE YUCCA VALLEY DEVELOPMENT CODE BY
ADDING A NEW SECTION, 84.0632, RELATED TO THE
PROCESSING OF FILMING PERMITS**

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. Development Code Amended

A new Section 84.0632 is hereby added to Chapter 6 (Special Uses) of Division 4 of Title 8 of the County of San Bernardino Development Code as adopted by the Town of Yucca Valley to read as follows:

“84.0632 Filming Permits

(A) **PERMIT REQUIREMENT:** No person shall use any public or private property, facility or residence within the Town of Yucca Valley for the purpose of taking commercial motion picture or television pictures or commercial still photography where the activity involves the use of explosives or combustibles, or other equipment which has the possibility of impacting property or requires police or fire services or where a separate permit is required by the Town or another public agency without first applying for and receiving a permit to do so from the Director of Community Development or his/her designee.

(B) **INTERPRETATIONS:** The Community Development Director and/or his/her designee shall determine the classification or type of filming taking place, pursuant to this chapter. The Director may at his/her discretion determine the applicability of this chapter to filming activity, and may waive the requirement for obtaining a filming permit based upon the filming activity and the lack of impact upon the subject and surrounding properties and upon public property. Where the Director waives the permit process, the waiver shall be given in letter form.

(C) **SUBMITTAL:**

(1) An application for a film permit shall be filed with the Community Development Department. The following information shall be included in the application:

(a) The name, address and telephone number of the applicant or duly authorized representative.

(b) The name of the owner, address or assessors parcel number of the site at which the activity is to be conducted.

- (c) The type of production.
- (d) The date (s), time (s), brief description of filming activity, and exact location including preparation and clean up where the activity is to take place.
- (e) The number of individuals in cast and crew.
- (f) A description of types and number of vehicles to be utilized.
- (g) If an applicant intends to use either wild animals, chemicals, explosives, or fire, or intends to engage in any other hazardous activity.

(2) The charge for the permit shall be that set from time to time by resolution of the Town Council. In addition, the applicant shall reimburse the Town for the actual cost of providing any necessary personnel, including but not limited to, police and fire personnel to the applicant for the purpose of assisting the production.

(D) PROCESSING:

(1) The processing of a complete Film Permit application will generally vary from one (1) to five (5) working days, depending on the complexity. If such activities interferes with traffic or involves potential public safety hazards, an application may take up to five working days.

(2) Each application for a Film Permit shall be analyzed at staff level to assure that the application is consistent with this Chapter and any other applicable Town standards or policies. If such activities interferes with traffic or involves potential public safety hazards the application shall be forwarded to the appropriate agencies for comment.

(3) At the completion of the Planning Section's review, a permit shall be issued including a listing of conditions necessary to assure the preservation of public health, safety and welfare.

(E) RULES AND REGULATIONS:

(1) Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.

(2) Conditions of Approvals: The conditions of approval will be based upon the following criteria:

- (a) The health, safety, and welfare of all persons;
- (b) Avoidance of undue disruption of all persons within the affected area;

- (c) The safety of property within the Town;
- (d) Traffic congestion at particular locations within the Town; and
- (e) Compliance with all other applicable agency regulations.

(3) Additional Regulations: From time to time, the Community Development Director may recommend, and the Town Council may adopt by resolution, as deemed necessary, rules and regulations to implement the provisions of this section. Such rules and regulations shall have the force of law and failure to comply shall be considered a violation of the provisions of this section. The rules and regulations to be adopted shall be implemented with the following intent:

- (a) Maintain the health and safety of persons and property within the Town:
- (b) Avoid undue disruption of persons and traffic within the affected areas of Town.

(F) INSURANCE REQUIREMENTS:

(1) Before any permit is issued the applicant shall provide the Town with evidence of a policy of liability insurance issued by an admitted insurer in the amount of not less than \$1,000,000. The policy shall name the applicant and the Town of Yucca Valley, its officers, agents, and employees, as co-insured for protection against any loss, claims, liability, injury, and damage of any nature arising out of or in any way connected to the filming conducted by the applicant, and the insurance coverage shall be primary and not contributing with any other insurance of the Town. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Town. A copy of the certificate will remain on file.

(2) The applicant shall enter into a hold harmless and indemnification agreement provided by the Town prior to the issuance of any permit.

(3) To ensure cleanup and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of filming and inspection of the site by the Town, the deposit may be returned to the applicant.”

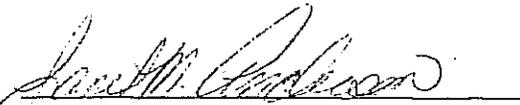
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 19th day of March, 1998.

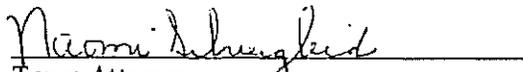

MAYOR

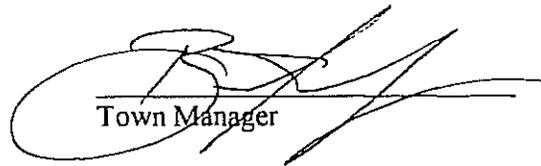
ATTEST:


Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Town Attorney


Town Manager

F:\COMMON\ORDINANCE\CA0497.0R3
March 5, 1998 TC

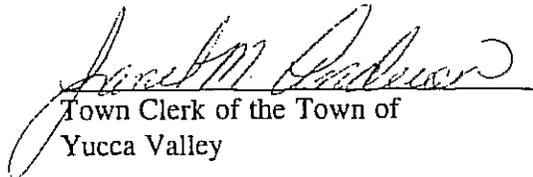
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the Town Council on the 5th day of March, 1998, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 19th day of March, 1998, by the following vote, to wit:

Ayes: Council Members Crouter, Hockett, Leone, Loveless and Mayor Hunt
Noes: None
Absent: None
Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 24th day of March, 1998.

(SEAL)


Town Clerk of the Town of
Yucca Valley

TOWN OF YUCCA VALLEY COMMUNITY DEVELOPMENT DEPARTMENT NATIVE PLANT PERMIT APPLICATION INFORMATION OUTLINE

This outline provides you with information on how to apply for a native plant permit. We hope that the information will be beneficial in instructing you on what information is required and what steps must be taken to review your application. The more thorough and complete the application submitted to the Town, the better we are able to serve you and help you achieve your goals.

Included is the **NATIVE PLANT APPLICATION**. Should you have any questions, please contact the Community Development/Public Works Department at (760) 369-6575. The Community Development/Public Works Department is located at 58928 Business Center Dr. off of Indio and Yucca Trail, north of the Monterey Business Center.

DESCRIPTION

A Native Plant Permit (NPP) is required any time that a native plant is to be **trimmed, relocated or removed**. Protected native plants are: **Yuccas, Joshua Trees, California Juniper, Pinon Pine, Manzanita, Desert Willow, Palo Verde, Cresote** (greater than 10' in diameter), and **Mesquites** (2" or larger in diameter or 6' in height).

Findings for Removal

Unless exempt, the removal of protected native plants shall be based on the one or more of the following findings:

- The location of the plant or its drip line interferes with an allowed structure, sewage disposal area, paved area or other approved improvements;
- The location of the plant or its drip line interferes with planned street improvements or an approved access;
- Hazardous to pedestrian or vehicular travel or safety;
- The plants interferes with or is causing extensive damage to utility services, facilities, roadways, sidewalks, curbs, gutters, pavement, sewer lines;
- The condition or location of the plant is adjacent to and in such close proximity to an existing or proposed structure that the plant has or will sustain significant damage;
- No other alternative exists for the development of the land when the removal of specimen size Joshua Trees is requested. Specimen size trees are defined as meeting 1 or more of the following criteria:
 1. A circumference measurement equal to or greater than fifty (50) inches measured at 4 feet above grade.
 2. Total tree height of 15' or greater.
 3. Trees possessing a bark-like trunk.

A cluster of 10 or more individual trees, of any size, growing in close proximity to each other.

Process for obtaining a native plant permit:

To remove or trim one tree:

1. Obtain an application from the Community Development Department located at 58928 Business Center Drive.
2. Completely fill out the entire application.
3. On the back of the application is a plot plan. Please clearly indicate the footprint of your home, any accessory structures, property lines and all native plants. Please provide a North arrow and street names. Please provide the measurements of the property lines and the measurements of the native plant from any structures.
4. Provide photographic evidence of all the native plants on the site
5. After you have all the required information gathered please submit the application to the Community Development Department.
6. The Community Development Department has 5 working days to process your application.
7. Once Staff has determined the application to be complete and the request to be consistent with the Native Plant Ordinance then your application with an approval, approval with modifications, or a denial will be mailed to the applicants address.

For removal when building a new residence:

1. Obtain an application from the Community Development Department located at 58928 Business Center Drive.
2. Completely fill out the entire application.
3. On the back of the application is a plot plan. Please clearly indicate the footprint of your home, any accessory structures, property lines and all native plants. Please provide a North arrow and street names. Please provide the measurements of the property lines and the measurements of the native plant from any structures.
4. Indicate on your site plan which plants are to be removed and which plants will be protected in place.
5. Provide photographic evidence of all the native plants on the site.
6. After you have all the required information gathered please submit the application to the Community Development Department.
7. If the application is part of a building permit for new construction the process will take approximately 10 days. The building and native plant applications will be processed at the same time.
8. The area of ground disturbance will need to be staked out before a pre-site can be conducted.
9. Once Staff has determined the application to be complete and the request to be consistent with the Native Plant Ordinance then your application with an approval, approval with modifications, or a denial will be mailed to the applicants address

Date Received _____
 By _____
 Case # _____

**NATIVE PLANT PERMIT
 REQUEST FORM**

*(PLEASE ALLOW UP TO FIVE WORKING DAYS)
 (FOR NEW CONSTRUCTION INCLUDE WITH BUILDING PLANS)*

PROPERTY OWNER _____ PHONE _____

MAILING ADDRESS _____

CONTACT PERSON _____ PHONE _____

MAILING ADDRESS _____

LOCATION OF PLANTS (street address) _____

TYPE OF PLANT	# OF PLANTS BEING DESTROYED	# BEING RELOCATED (ON-SITE OR OFF SITE) CIRCLE ONE	# BEING PROTECTED IN PLACE	# BEING TRIMMED	HEIGHT	DIAMETER
YUCCA						
JOSHUA TREE						
CRESOTE						
JUNIPER						
PINON PINE						
MANZANITA						
MESQUITE						
PALO VERDE						
DESERT WILLOW						

PLEASE ATTACH ADDITIONAL SHEETS IF NECESSARY

REASON FOR RELOCATION or REMOVAL _____

PROPERTY OWNER SIGNATURE _____ DATE _____

Staff Use Only:

Issuance Date: _____ Issued By: _____

Approved as Shown on Plot Plan _____ Denied _____

Reason for Denial _____

Approved with Modifications (As noted on Plot Plan) _____

PLOT PLAN

NAME _____ PHONE _____

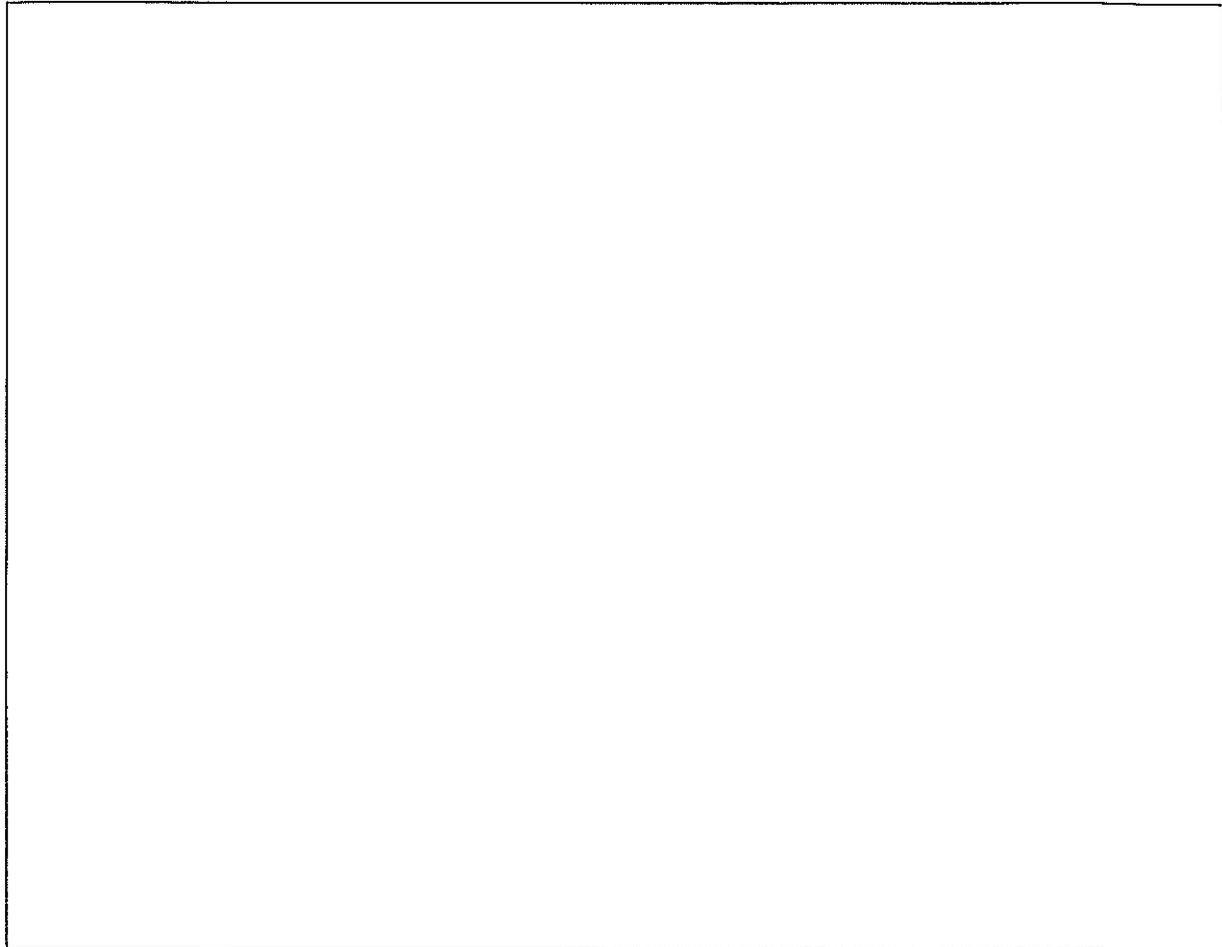
PROJECT ADDRESS _____

TRACT/PARCEL MAP # _____ LOT # _____

ASSESSOR'S PARCEL NO. _____

PROVIDE NORTH ARROW

REAR PROPERTY LINE



FRONT PROPERTY LINE

STREET

IF YOUR LOT IS NOT RECTANGLE, PLEASE DRAW CORRECT DIMENSIONS AND SHAPE

ORDINANCE NO. 140

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 9 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO PLANT PROTECTION AND MANAGEMENT. (DCA-06-01)

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. Code Amended

Title 8, Division 9 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows

“DIVISION 9. PLANT PROTECTION AND MANAGEMENT

Chapters:

1. Desert Native Plant Protection.
2. Riparian Plant Conservation.
3. Enforcement

Chapter 1

DESERT NATIVE PLANT PROTECTION

Sections:

- | | |
|---------|--|
| 89.0101 | Purpose. |
| 89.0105 | Intent. |
| 89.0107 | Regulated Desert Native Plants |
| 89.0110 | Scope. |
| 89.0115 | Permit Required. |
| 89.0120 | Findings for Removal. |
| 89.0125 | Plot Plan Requirements. |
| 89.0130 | Construction Standards. |
| 89.0131 | Transplanting of Desert Native Plants |
| 89.0132 | Findings for the Transplanting of Desert Native Plants |
| 89.0133 | Retention of Joshua Trees and Yuccas |

89.0101 Purpose.

The Town finds that it is in the public interest to promote the continued health of this Town’s abundant and diverse plant resources, by providing regulations and guidelines for the management of the plant resources in the Town of Yucca Valley on property or combinations of property under private or public ownership for the following purposes:

- (a) To promote and sustain the health, vigor and productivity of plant life and aesthetic values within the Town through appropriate management techniques;

- (b) To conserve the native plant life heritage for the benefit of all, including future generations;
- (c) To protect native trees and plants from indiscriminate removal, and to regulate such activity;
- (d) To provide a uniform standard for appropriate removal of native trees and plants in public and private places and streets to promote conservation of these valuable natural resources;
- (e) To protect and maintain water productivity and quality in local watersheds;
- (f) To preserve habitats for rare, endangered and threatened plants and to conserve limited or otherwise natural communities and habitat..

89.0105 Intent.

It is the stated intent and desire of the Town of Yucca Valley to recognize and preserve native plants unique to Yucca Valley and the special contribution that Joshua Trees and Yuccas have made to the desert environment. In conformance with this recognition, no existing regulated native plant shall be disturbed, moved (transplanted or otherwise), removed or destroyed unless such disturbance, move, removal or destruction is first reviewed and approved by the Town of Yucca Valley. The Community Development Director, or his/her designee, shall be responsible for review and approval of any request to disturb, move (transplant or otherwise), remove or destroy any existing protected native plant located on any property in the Town of Yucca Valley. Forms for such review shall be available within the Planning Section of the Community Development Department.

Further, while it is the intent and desire of the Town to preserve and protect all Joshua Trees and Yuccas, this intent and desire shall be balanced against the community's need for growth and the development rights of individual property owners. To achieve this preservation and protection, while protecting both the property rights of property owners and the community's desert environment, anyone submitting an application to disturb, move, remove or destroy an existing Joshua Tree or Yucca shall use all reasonable means to retain and preserve such Tree(s) in its native (present) location in considering and presenting said Native Plant Permit application.

The Native Plant Permit application shall take into consideration lot configuration, potential property development (building envelope), onsite circulation and all associated and related infrastructure needed to support construction within the buildable envelope.

A person(s) submitting an application for a discretionary review or for any subdivision of land within the Town of Yucca Valley upon which protected native plants are present, shall use all reasonable means available to retain and preserve the plants in its native (present) location in considering and presenting said application or subdivision request with regard to lot location and configuration, potential property development (buildable envelope), circulation system and all associated and related infrastructure.

89.0107 Regulated Desert Native Plants.

- (a) The following desert native plants are subject to the regulations specified by this Division. In all cases the botanical names shall govern the interpretation of this chapter. The

following desert native plants, or any part thereof except the fruit, shall not be removed except under a permit issued by the Community Development Director

- (1) All species of the genus Prosopis (mesquites) with stems two (2) inches or greater in diameter or six (6) feet or greater in height.
- (2) All species of yuccas. Those commonly found in Yucca Valley:
 - (A) Mohave Yucca (*Yucca schidigera*)
 - (B) Our Lord's Candle (*Yucca whipplei*)
- (3) Creosote Rings, ten (10) feet or greater in diameter.
- (4) All Joshua Trees.
- (5) California juniper (*Juniperus californica*)
- (6) Desert Willow (*Chilopsis linearis*)
- (7) Pinon Pine (*Pinus monophylla*)
- (8) Palo Verde (*Cercidium*)
- (9) Manzanita (*Arctostaphylos*)
- (10) All plants protected or regulated by the California Desert Native Plants Act (i.e., California Food and Agricultural Code 80001 et. seq.) shall be required to comply with the provisions of those statutes prior to the issuance of any Town development permit or land use application approval. The Community Development Director is responsible for the issuance of the required permit.

89.0110 Scope.

- (a) The provisions of this Division shall apply to all private land within the Town of Yucca Valley and to public lands owned by the Town except as specified by the provisions of this Division.
- (b) **Exceptions:**
 - (1) Removal from lands owned by the United States Government, State of California or local governmental entity, excluding Special Districts.
 - (2) Removal required by other codes, ordinances or laws of Town of Yucca Valley, County of San Bernardino, the State of California or the United States.
 - (3) Removal of native trees and plants which are an immediate threat to the public health, safety or welfare and require emergency removal to prevent probable damage to a structure or injury to people or fenced animals.
 - (4) Removal as part of a bona fide agricultural activity as determined by the Town that is:
 - (A) Conducted under a land conservation contract; and or
 - (B) An existing agricultural activity; and or
 - (C) A proposed bona fide agricultural activity if the Community Development Director or their designee is given thirty (30) days written notice of the removal describing the location of the land and the nature of the proposed activity. The Community Development Director or designee, shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the Community Development Director or designee the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.

A bona fide agricultural activity is one that is served by a water distribution system adequate for the proper operation of such activity.

89.0115 Permit Required.

A removal permit shall be required for the removal of any native tree or plant as regulated in Section 89.0107.

- (a) Disturbing, moving (transplanting or otherwise), removal or destruction of an existing Regulated Desert Native Plant shall be subject to the provision of this Chapter.
- (b) A land use application, a building permit and all other development permits (e.g., grading, mobilehome setdowns, etc.), shall consider and include a review of any proposed native tree or plant removal.
- (c) The reviewing authority may require certification from an appropriate tree expert or desert native plant expert that such tree removals are appropriate, supportive of a healthy environment and are in compliance with the provisions of this Chapter.
- (d) The Building Official or Community Development Director shall require a preconstruction inspection prior to approval of development permits.
- (e) The Reviewing Authority shall specify the expiration date for all other tree and/or plant removal permits.

89.0120 Findings for Removal.

The Reviewing Authority shall authorize the removal of a native tree or plant subject to provisions of this chapter only if the following findings are made:

- (a) The removal of the native tree or plant does not have a significant adverse impact on any proposed mitigation measures, soil retention, soil erosion and sediment control measures, scenic routes, flood and surface runoff and wildlife habitats.
- (b) The removal of the native tree or plant is justified for one (1) of the following reasons:
 - (1) The location of the native tree or plant and/or its dripline interferes with an allowed structure, sewage disposal area, paved area or other approved improvement or ground disturbing activity.
 - (2) The location of the native tree or plant and/ or its dripline interferes with the planned improvement of a street or development of an approved access to the subject or adjoining private property.
 - (3) The location of the native tree or plant is hazardous to pedestrian or vehicular travel or safety as determined by the Town Engineer.
 - (4) The native tree or plant or its presence interferes with or is causing extensive damage to utility services or facilities, roadways, sidewalks, curbs, gutters, pavement, sewer line(s), drainage or flood control improvements, foundations, existing structures or municipal improvements.

- (5) The condition or location of the native plant or tree is adjacent to and in such close proximity to an existing structure that the native plant or tree has or will sustain significant damage.
- (6) The location of the native plant or tree is located in and within 20 feet of the building footprint and within the proposed driveway.

89.0125 Plot Plan Requirements. Prior to the issuance of a native tree or plant removal permit a plot plan shall be approved by the Community Development Department for each site indicating exactly which trees or plants are authorized to be removed or relocated.

89.0130 Construction Standards. During construction and prior to final inspection under a development permit, the following standards shall apply unless otherwise approved in writing by a Desert Native Plant Expert¹:

- (a) Native tree trunks and plants shall not be enclosed within roof lines or decking.
- (b) Utilities, construction signs, or other hardware shall not be attached so as to penetrate or abrade any live native tree or plant.
- (c) Grade Alterations. There shall be no grade alterations which buries any portion of a native tree or plant or significantly undercuts the root system within the dripline.
- (d) "Trap Fencing" shall be utilized to prevent compaction damage to the root zone; installed a minimum of twenty-five (25) percent beyond the dripline.

89.0131 Transplanting of Desert Native Plants.

- (a) The commercial harvesting of desert native plants shall be prohibited. The Community Development Department shall be responsible for the issuance of the Native Plant Permit required by the State or Town for the transplanting of desert plants.
 - (1) Written permission must be obtained from and signed by the owner of the property on which the plants are located. A copy of the document granting such permission shall be submitted to the Community Development Director prior to issuance of the permit.
 - (2) Transplanting approved by the Town of Yucca Valley must be initiated and completed under the supervision of a Desert Native Plant Expert. Approval of such transplant must take into consideration the time of year, the plant's original and transplanted physical orientation, prevailing wind direction, soil type of the original and transplanted locations, and other related attributes which may affect the successful transplantation of the Joshua Tree(s) and Yuccas in question as determined by the Town and the retained Desert Native Plant Expert.

¹ A Desert native Plant Expert is one of the following:

- a. State of California Agricultural Biologist, or
- b. State of California Registered Forester, or
- c. I.S.A Certified Arborist, or
- d. County Certified Plant Expert, or
- e. Others approved by the Community Development Director.

Joshua Trees and Yuccas that are proposed to be removed shall be transplanted or stockpiled for future transplanting wherever possible. In the instance of stockpiling and/or transplanting the permittee has submitted and has had the approval of a Joshua Tree and Yucca maintenance plan prepared by a Desert Native Plant Expert. This plan shall include a schedule for maintenance and a statement by the Desert Native Plant Expert that this maintenance plan and schedule will be implemented under his/her supervision. The schedule shall include the requirement that a maintenance report is required at the end of the project or at six (6) month intervals, evidence to the satisfaction of the Planning Section that the Desert Native Plant Expert has supervised the scheduled maintenance to the extent that all transplanted and stockpiled plants have been maintained in such a manner to insure the highest practicable survival rate. In the event that this report is not satisfactory, a tree and plant replacement plan and implementation schedule prepared by a Desert Native Plant Expert may be required by the Planning Section of the Community Development Department.

89.0132 Findings for the Transplanting of Desert Native Plants.

The Town shall only authorize the transplanting of protected desert native plants subject to the provisions of this Chapter only if one (1) or more of the following findings are made:

- (a) The desert native plants are to be transplanted in a manner approved by the Community Development Director or other reviewing authority.
- (b) The desert native plant is to be transplanted to another property within the same plant habitat under the supervision of a Desert Native Plant Expert and the removal of such plant will not adversely affect the desert environment on the subject site.
- (c) Any desert native plant on the site which is determined by the Community Development Director or other reviewing authority as requiring transplanting will be transplanted or stockpiled for transplanting in accordance with methods approved by the Community Development Director. A Desert Native Plant Expert shall supervise and manage any required transplanting of desert native plants.

89.0133 Retention of Joshua Trees and Yuccas.

- (a) It is acknowledged that community development may be more appropriately served if some existing Joshua Trees and Yuccas are allowed to be relocated. The following shall be the minimum criteria for the preservation of Joshua Trees and Yuccas in its native (present) location. While Joshua Trees and Yuccas that do not conform to the following criteria must be preserved, they may be transplanted to another location on the same property or may be made available for adoption through the Town's Joshua Tree Preservation and Adoption Program. A Joshua Tree(s) that conforms to the following shall be preserved in place unless its removal, transplantation or destruction is approved as prescribed within this Section of the ordinance.
- (b) For any Joshua Tree(s) that conform to the criteria listed below, for which the property owner/applicant has made a request for a Building Permit, application for a discretionary review or application for a subdivision of land within the Town of Yucca Valley, said owner/applicant shall submit, as part of the application for approval, documentation of

their best efforts to retain and preserve all Joshua Tree(s) within the limits of the development or subdivision in its native (present) location. Such documentation of best effort shall include how alternative lot configurations (including building envelopes on lots with existing Tree(s), circulation, physical or environmental constraints of the site, allow no alternative subdivision configuration which would retain and preserve the Tree(s) in its native (present) location.

- (1) A Joshua Tree that is known, by historic record, including pictures or written description, to be at least forty (40) years old.
 - (2) A Joshua Tree which has a width of at least fifteen (15) feet as measured from the furthest point of outstretched branches (measured parallel to the ground).
 - (3) A Joshua Tree which is at least fifteen (15) feet in height as measured from the base of the trunk to the highest point of the Tree.
 - (4) A Joshua Tree which has a trunk measuring at least twelve (12) inches in diameter as measured four (4) feet from the ground.
- (c) **Adoption Program.** In the Town's effort to retain and preserve, in place, existing Joshua Trees and Yuccas, the Planning Section of the Town of Yucca Valley shall establish and maintain a Joshua Tree and Yucca Preservation and Adoption Program. This Program shall be a listing, available to the public, of locations where individuals have applied to disturb, move (transplant or otherwise), remove or destroy an existing Joshua Tree(s). The Program shall include the name of the property owner, the address of the property containing the Joshua Tree(s) and Yuccas, a mailing address for the property owner, a daytime contact phone number, the number of Trees disturbed, moved, removed or destroyed, and the approximate size, physical characteristics and physical condition of the available Tree(s) as of the date the Tree(s) was listed on the program. The Program shall also list a date that each individual Tree was disturbed, moved, removed or destroyed.

No Joshua Tree(s) or Yucca shall be approved for transplantation more than once in any ten (10) year period. Although no Joshua Tree(s) may be approved for transplantation more than once in any ten (10) year period, the Planning Commission may, at the time of a discretionary review, approve an interim location, for up to one (1) year for storing Joshua Tree(s) and Yucca(s) to allow for a phased development of a project or property.

The Program shall also include, reviewed and updated annually, a list of the names, mailing addresses and daytime contact phone number of individuals who have expressed a desire to receive transplantable Joshua Tree(s) or Yucca(s).

- (d) **Definition of Disturbance.** A protected native plant shall be determined to be disturbed by any human activity that changes the environmental setting of or around an existing native plant to the extent that the amount of sun or water the plant traditionally receives, the direction or amount of wind against and around the plant, introduces, directly or indirectly, substances which may be harmful or unhealthy for the Tree, interferes with the plant's potential for growth and reproduction or causes direct physical contact/damage to the plant

- (e) **Deviation.** In the event that the documentation of the best effort to preserve an existing specimen size Yucca(s) or Joshua Tree(s) in its native (present) location within a proposed commercial or industrial project demonstrates that the plants cannot be retained and preserved in place unless a required development standard applicable to the underlying zoning designation is modified or reduced, the Planning Commission may allow for minor deviations to a development standard specifically to allow the retention of specimen Joshua Tree and Yuccas in its native (present) location:

Chapter 2

RIPARIAN PLANT CONSERVATION

Sections:

89.0201 Purpose.

89.0205 Scope.

89.0210 Subject Areas and Plants

89.0201 Purpose. The Town finds that it is in the public interest to promote healthy and abundant riparian habitats. Riparian habitats are located along the sides of canyon bottoms, streams and rivers, providing watershed protection as well as control transmission and storage of natural water supplies. Riparian areas provide a unique wildlife habitat and contribute to an attractive environment. Riparian areas also provide natural soil erosion and sedimentation control protecting stream banks subject to erosion and undercutting. In addition riparian areas provide sufficient shade to reduce temperature and evaporation and the growth of algae in streams. The provisions of this Chapter are designed to augment and coordinate with the responsibilities of the California Department of Fish and Game.

89.0205 Scope

(a) The provisions of this Chapter shall apply to all riparian areas growing on private land within the Town of Yucca Valley and to riparian areas growing on public land owned by the County of San Bernardino, Town of Yucca Valley, or State of California, except as specified by Chapter 1.

(b) **EXCEPTIONS.**

The provisions of this Chapter are not applicable to emergency Flood Control District operations.

89.0210 Subject Areas and Plants

Except as otherwise provided or excepted by the provisions of this Chapter, the removal of any vegetation within two hundred (200) feet of the bank of a stream indicated as a blue line on United States Geological Survey Quadrangle topographic maps or in an area indicated as a protected riparian area on an overlay map or Specific Plan, shall be subject to a native plant permit in accordance with the procedures detailed by Chapter 1 of this Division for each respective regional area and shall be subject to environmental review. Any necessary conditions of approval for removal of riparian vegetation may be imposed in addition to and in combination with any conditions imposed pursuant to this Division.

Chapter 3

ENFORCEMENT

Sections:

- 89.0340 Enforcement.
89.0345 Penalties

89.0340 Enforcement.

- (a) The provisions of this Division shall be enforced by any authorized member of the Building and Safety, Code Compliance, or Planning Sections of the Community Development Department
- (b) **Extension of Time.** If any of the land governed by this Division shall be subject to snow, flooding, or other condition which shall render compliance with the provisions of this Division within the specified time periods impractical because of inaccessibility, an enforcement officer may extend the period of time for compliance.
- (c) A peace officer or any authorized enforcement officer may, in the enforcement of this chapter, make arrests without warrant for a violation of this Chapter, which he or she may witness, and may confiscate regulated native trees or plants, or parts thereof which are unlawfully harvested, possessed, sold, or otherwise obtained in violation of this Chapter. Also any designated enforcement officer is hereby authorized and directed to enter in or upon any premises or other place, train, vehicle, or other means of transportation within the Town of Yucca Valley which is suspected of containing or having present therein or thereon native plants in violation of this Division in order to examine permits and to otherwise enforce the provisions of this Chapter.
- (d) When any power or authority is given by any provision of this Chapter to any person, it may be exercised by any deputy, inspector, or agent duly authorized by that person. Any person in whom the enforcement of any provision of this Chapter is vested has the power of a peace officer as to that enforcement, which shall include state or federal agencies with which cooperative agreements have been made by the Town to enforce the provisions of this Chapter.
- (d) No person shall remove or damage all or part of any native tree or plant on another property without first obtaining notarized written permission from the landowner and any required Town permit. Also it is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to harvest all or parts of a native tree or plant, whether it be alive or dead.
- (f) No person, except as provided in this Chapter, shall destroy, dig up or mutilate or have in his or her possession any regulated native plant or tree, or the living or dead parts of such unless the plant or tree was disturbed under a valid Town permit. Any such person shall exhibit the permit, upon request for inspection by any duly authorized Town Code Compliance Officer or any peace officer.

- (g) No person, except as provided in this Chapter, shall commence with a disturbance of land (e.g., grading or land clearing) without first obtaining approval to assure that said disturbance will not result in the removal or harm of any regulated native trees or plants. Said approval may be in the form of a development permit, or a tree removal permit issued by the appropriate authority.

89.0345 Penalties. Penalties shall include the following and any other penalties specified by individual Chapters of this Division.

- (a) **ILLEGAL REMOVED NATIVE TREE OR DESERT NATIVE PLANT FINE.** In addition to other penalties and fees imposed by this Code or other law, any person, firm, or corporation convicted of a violation of the provisions of this Division shall be guilty of a misdemeanor upon conviction. Where one (1) or more plants or trees are removed in violation of the provisions of this Division, the removal of each separate plant or tree shall be a new and separate offense. The penalty for such offense shall be a fine of not less than five hundred dollars (\$500) nor more than one thousand (\$1,000) or six months in jail or both. Payment of any penalty herein provided shall relieve a person, firm or corporation from the responsibility of correcting the conditions resulting from the violation.

- (b) **ILLEGALLY REMOVED NATIVE TREE OR DESERT NATIVE PLANT REPLACEMENT REQUIREMENT.**

- (1) In addition to other penalties imposed by this Code or other law, any person, firm, or corporation convicted of violating the provisions of this Division regarding improper removal of regulated native trees and plants shall be required to retain as appropriate, a tree or Desert Native Plant expert to develop and implement a replacement program. Such expert shall determine the appropriate number, size, species, location and planting conditions for replacement plants or trees in sufficient quantities to revegetate the illegally disturbed area.

If it is inappropriate to revegetate the illegally disturbed area, another appropriate location (e.g. public parks) may be substituted at the direction of the court.

- (2) The violator shall post a bond in an amount sufficient to remove and reinstall plant/tree materials that were planted as a part of such a replacement program and failed within two (2) years.

- (c) **REVOCAION OF PERMITS.** Upon conviction of a violation of this Division, all native trees and desert native plant removal permits issued to the person, firm, or corporation convicted shall be revoked and no new or additional removal permits shall be issued to the permittee for a period of one (1) year from the date of conviction, and the permittee shall be required to surrender any permits to the Community Development Director.”

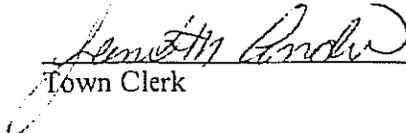
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

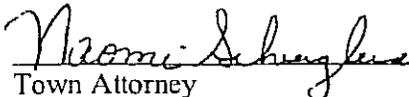
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of June, 2003.


MAYOR

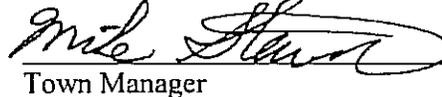
ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

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STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 140 as duly and regularly introduced at a meeting of the Town Council on the 15th day of May, 2003, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 5th day of June, 2003, by the following vote, to wit:

Ayes: Council Members Cook, Leone, Mayes, Neeb and Mayor Earnest

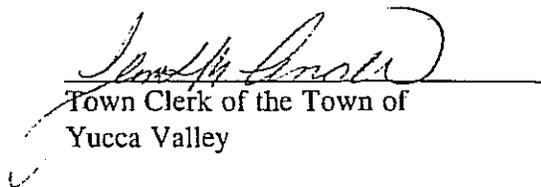
Noes: None

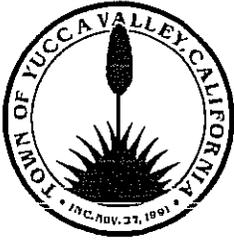
Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 9th day of June, 2003.

(SEAL)


Town Clerk of the Town of
Yucca Valley



Date Received _____
By _____
Fee _____
Case # _____

SIGN PERMIT

Business Name _____

Address _____

Applicant _____ Phone _____

Address _____ City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address _____ City _____ State _____ Zip _____

Contractor _____ Phone _____

Contractor's State License # _____

Assessor Parcel Number(s) _____ Existing Land Use _____

Is there more than one business on the property? _____

Total building frontage in feet of subject business _____ Total street frontage of property: _____

Measurement of proposed sign(s) _____

Square footage of all existing signage to remain _____

Colors by paint manufacturer and ID Number _____

Sign material _____

Lighting _____

Applicants Signature _____ Date _____

Property Owners Signature _____ Date _____

This application does not constitute application for a building permit. A separate building permit application must be submitted to the Building Division.

Town of Yucca Valley
Community Development Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084

Attach an Accurate Sketch, Drawn to Scale, of

1. Sign Location on Plot Plan
2. Elevation of Building Showing Sign Placement Thereof
3. Elevation of Sign (Sketched to Scale and Colored to Indicate Finished Look)
4. One Perspective, from Ground Level, at a Point 100 Feet in All Directions from the Project Site

Submittal Requirements

- A. **Plot Plan**
 - Scaled drawings.
 - Location of signs with setback dimensions from property line and right-of-way (s).
 - Dimensions of signs (height, length, width and total square feet).
 - Building location in relation to adjacent streets; dimension, building, frontage.
- B. **Elevation**
 - Building with signs in perspective from ground level.
 - Color rendition to show finished look.



Date Received	_____
By	_____
Fee	_____
Case #	_____

TEMPORARY SIGN PERMIT

(Print Legibly)

BANNERS, FLAGS, PENNANTS or A-FRAME to be displayed on private property at:

Business Name _____

Business Address _____

Applicant _____ Phone _____

Mailing Address _____

City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address _____

City _____ State _____ Zip _____

Assessor Parcel Number(s) _____

Existing Land Use _____

Type of Temporary Sign: _____

Display to be placed on the above property on the following dates:

From: _____ To: _____

Said display shall be removed entirely on or before the last date specified above.

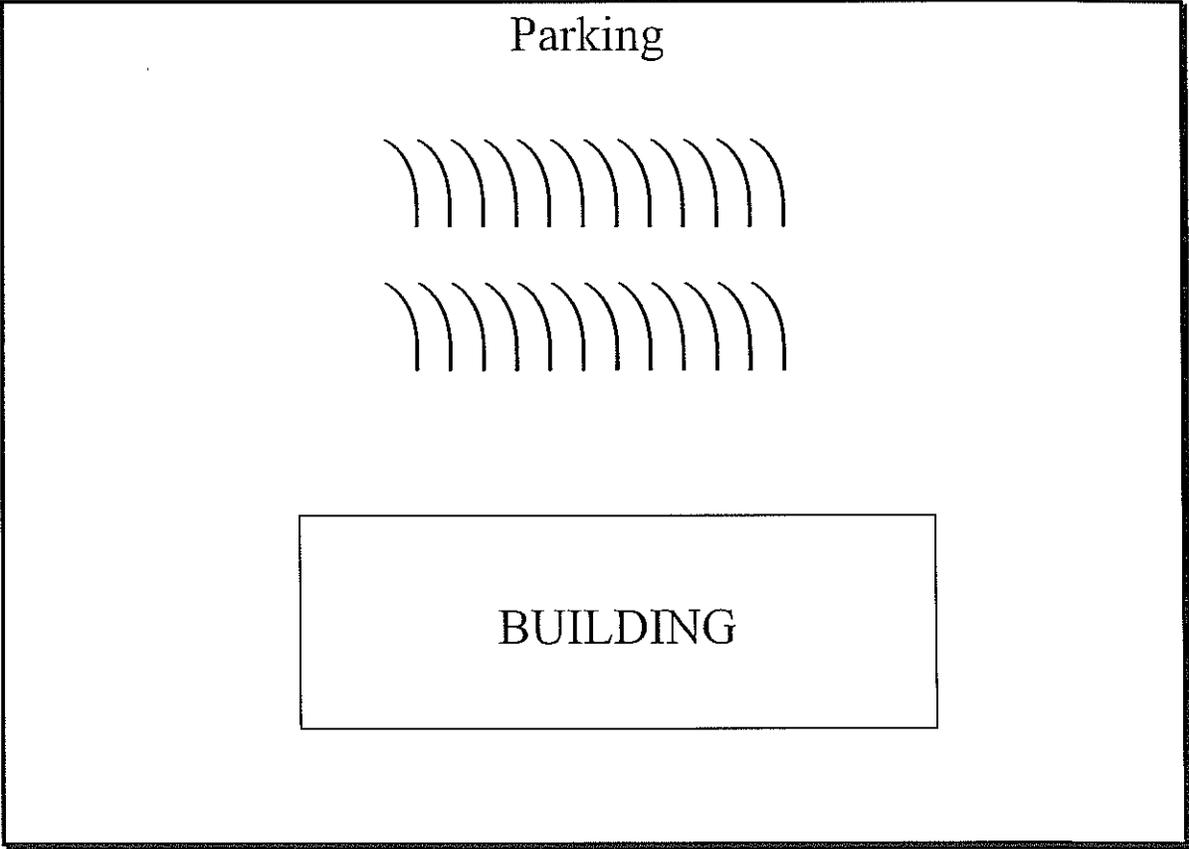
Applicant's Signature _____ Date _____

Property Owner Signature _____ Date _____

**Town of Yucca Valley
Community Development Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084**

Please provide a description of the proposed special sign that includes size, number, location and color:

Please indicate on the diagram below where the sign will be placed on your property:



STREET FRONTAGE

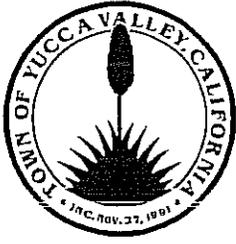
TOWN OF YUCCA VALLEY POLITICAL SIGN PERMIT APPLICATION

A political sign is defined as any sign that indicates any one or a combination of the following:

1. The name and/or picture of an individual seeking election or appointment to a public office; or
2. Relates to a forthcoming public election or referendum.

The ordinance makes several general provisions with which each candidate must comply:

1. A permit is required prior to the placement of political advertising signs in the Town of Yucca Valley.
2. A map must accompany the application showing the number of signs and locations where all signs are to be placed in the Town of Yucca Valley. Lots containing a residential structure shall be limited to one sign per candidate or issue. Signs posted on vacant lots must have property owner's consent.
3. Signs shall not be displayed more than forty-five (45) days prior to an election, and shall be removed within fifteen (15) days after the same election.
4. Maximum area of a political sign, not to include legal billboards, shall be eight (8) square feet in residential areas and thirty-two (32) square feet in all other areas.
5. Temporary political signs shall not be erected within any street intersection, clear sight triangle or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
6. Political signs shall not be nailed or affixed to any tree, fence post, or public utility pole and shall not be located in the public right-of-way, parkway or on publicly owned land.
7. Political signs which have adhesive backing shall not be affixed directly to any structure. Such a sign with adhesive backing shall first be affixed to a temporary backing of wood, paper or plastic for support which can be easily removed from its posted location.



Date Received	_____
By	_____
Fee	_____
Case #	_____

POLITICAL SIGN PERMIT

Candidate _____ Phone _____

Candidacy For _____

Address _____ City _____ State _____ Zip _____

Contact Person/Representative _____ Phone _____

Address _____ City _____ State _____ Zip _____

Election Date: _____

Dates signs will be displayed: From: _____ To: _____

Location(s) where signs will be displayed (approximate):

Include a map showing the location of the signs.

Permit expires fifteen (15) days after election date.

I hereby affirm that I understand the regulations of the Town of Yucca Valley relating to the posting of political signs. I further understand that all signs which do not conform to the applicable regulations are subject to removal without notification by the Town and the assessment of appropriate fines.

Applicant's signature _____ Date _____

For Department Use Only

Map Submitted _____ Date Approved _____ Approved by: _____

Town of Yucca Valley
 Community Development/Public Works Department
 58928 Business Center Dr
 Yucca Valley, CA 92284
 760 369-6575 Fax 760 228-0084

ORDINANCE NO. 156

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7, CHAPTER 7 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY RELATING TO SIGN REGULATIONS (DCA-03-03)

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED.

Title 8, Division 7, Chapter 7 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is further amended to read in its entirety as follows:

**"Chapter 7
Sign Regulations**

Sections	87.0710	Purpose and Intent
	87.0720	Definitions
	87.0730	Applicability
	87.0740	Administration
	87.0750	Sign Permits Required
	87.0760	Design Merit Sign Permit
	87.0770	Landmark Sign Permit
	87.0780	Prohibited Signs
	87.0790	Exempt Signs
	87.07100	Sign Program
	87.07110	General Design Standards
	87.07120	Signs in Residential, Open Space, & Public/Quasi Public Districts
	87.07122	Signs in Commercial Districts
	87.07124	Signs in Industrial Districts
	87.07128	Signs in Specific Plan Overlay
	87.07130	Temporary Signs
	87.07140	Off-Site Signs and Billboards
	87.07145	Off-Site Signs on Public Property
	87.07146	Public Facility Directional Signs
	87.07147	Wall Murals
	87.07150	Abandoned Signs
	87.07160	Construction and Maintenance
	87.07170	Nonconforming Signs
	87.07190	Enforcement

Section 87.0710 PURPOSE AND INTENT

The purpose and intent of this Chapter is to protect the general public health, safety, welfare, viewsheds and other aesthetic values of the community by ensuring that signage is clear, consistent and compatible with surrounding neighborhoods and the rural desert character of the Town; assure the implementation of community design standards consistent with the General Plan; promote the community's appearance by regulating the design, character, location, type, quality of materials, scale, color, illumination, and maintenance of signs; place limits on the use of signs which provide direction and aid orientation for businesses and activities; promote signs that identify uses and premises without confusion; reduce possible traffic and safety hazards through good signage. It is the further intent of this Chapter to establish flexibility based upon individual circumstances which includes building location in relation to adjacent structures, public rights-of-way, compatibility with surrounding development and visibility of the business location to the general public.

Section 87.0720 DEFINITIONS

Abandoned Sign. Any sign and supporting structures located on a property or premises which is vacant and unoccupied for a period of ninety (90) days or more which no longer advertises or identifies an ongoing business, product, or service available on the business premises where the display is located, or a sign which is damaged, in disrepair, or vandalized and not repaired within ninety (90) days of the date of the damaging event.

Advertising Statuary: A statue or other three dimensional structure in the form of an object that identifies, advertises, or otherwise directs attention to a product or business.

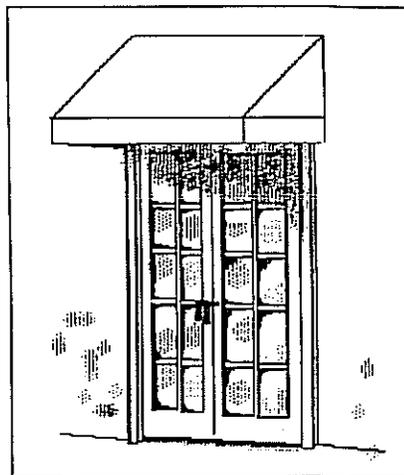
Address Sign. The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

A-Frame Sign. A free standing sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A".

Anchor Tenant. A shopping center key tenant, usually the largest or one of the largest tenants located within the shopping center, which serves to attract customers to the center through its size, product line, name, and reputation. The term anchor tenant is interchangeable with the term major tenant.

Animated or Moving Sign. Any permanently constructed monument, freestanding, or wall sign which uses movement, lighting, or special materials to depict action or create a special effect or scene.

Awning, Canopy, or Marquee Sign. Signs which are placed on or integrated into fabric awnings or other material canopies which are mounted on the exterior of a building which extend from the wall of a building to provide shielding of windows and entrances from inclement weather and the sun.



Banner, Flag, Pennant or Balloon. Any cloth, bunting, plastic, paper, vinyl, or similar material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs but not including official flags of the United States, the State of California, County of San Bernardino or Town of Yucca Valley.

Bench Sign. Copy painted on any portion of a bus stop bench.

Billboard. Any off-premise outdoor advertising sign structure which advertises products, services, or activities not conducted or performed on the same site upon which the outdoor advertising sign structure is located and governed by the Outdoor Advertising Act.

Building Face and/or Frontage. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Building Wall: The individual sides of a building.

Business Entrance Identification: A sign adjacent to, or on the entrance door of a business which names, gives the address and such other appropriate information as store hours and telephone numbers.

Cabinet: A three dimensional structure which includes a frame, borders, and sign face panel and may include internal lighting upon which the sign letters and logos are placed or etched, and is architecturally integrated with the building.

Canopy Sign. Refer to definition of a Shingle Sign

Center: A center contains businesses and buildings designed as an integrated and interrelated development sharing such elements as architecture, access, and parking. Such design is independent of the number of structures, lots or parcels making up the center.

Changeable Copy Sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.



Channel Letter Sign: Three dimensional individually cut letters or figures, illuminated or non-illuminated, affixed to a building or sign structure.

Civic Event Sign. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

Clear Sight Triangle: Triangular-shaped portion of land established at a street intersection or driveway in which no signs are placed in a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection or driveway.

Commercial Complex. A group of three (3) or more commercial uses on a single parcel or contiguous parcels which function as a common commercial area including those which utilize common off-street parking or access.

Commercial Sign. A sign that identifies, advertises or otherwise attracts attention to a product or business.

Construction Sign. A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

Directional Sign. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit".

Directory Sign. A sign for listing the tenants or occupants and their suite numbers of a building or center.

Double-faced Sign. A single structure designed with the intent of providing copy on both sides.

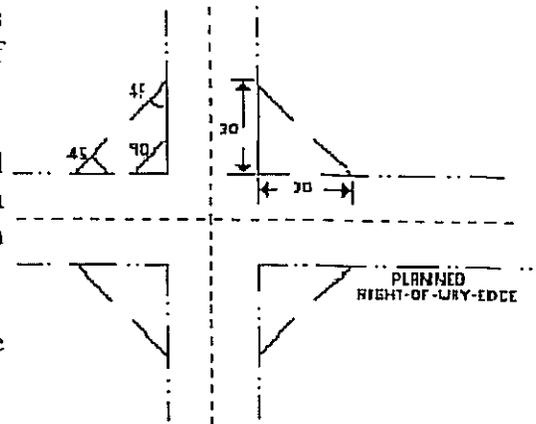
Eaveline. The bottom of the roof eave or parapet.

Entryway Sign: A sign which is placed on the perimeter of a recorded subdivision, townhouse project, commercial district, master planned community, hotel, motel, or guest ranch at a major street or driveway entrance to identify the name of the interior project. Such signs may flank both sides of the entrance and may include monument or landscape wall sign types.

Fascia Sign: A sign placed on a parapet type wall used as part of the face of a flat roofed building and projecting not more than one foot from the building face and may be incorporated as an architectural element of the building.

Flashing Sign. A sign that contains an intermittent or sequential flashing light source.

Freestanding Sign. Any sign which is supported by structures or supports that are placed on, or anchored in the ground which are independent from any building, such as a pole and monument



signs.

Future Tenant Identification Sign. A temporary sign which identifies a future use of a site or building.

Grand Opening. A promotional activity used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

Height of Sign. The greatest vertical distance measured from the immediate adjacent roadway grade level or existing grade, to the highest element of the sign structure

Holiday Decoration Sign. Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

Illegal Sign. Any sign erected without first obtaining a sign permit, or a sign for which the permit has expired or been revoked.

Illuminated Sign. A sign with an artificial light source for the purpose of lighting the sign.

Institutional Sign. A sign identifying the premises of a church, school, hospital rest home, or similar institutional facility.

Kiosk. An off-premise sign used for directing people to the sales office or models of a residential subdivision project.

Logo. An established identifying symbol or mark associated with a business or business entity.

Logo Sign. An established trademark or symbol identifying the use of a building.

Model Home. A single family residential structure when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots.

Monument Sign. An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

Moving Sign. Animated signs or signs which contain any moving elements as part of the structure but does not include reflective, shimmering devices.

Nonconforming Sign. A legally established sign which fails to conform to the regulations of this Chapter.

Off-Site Sign. Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located.

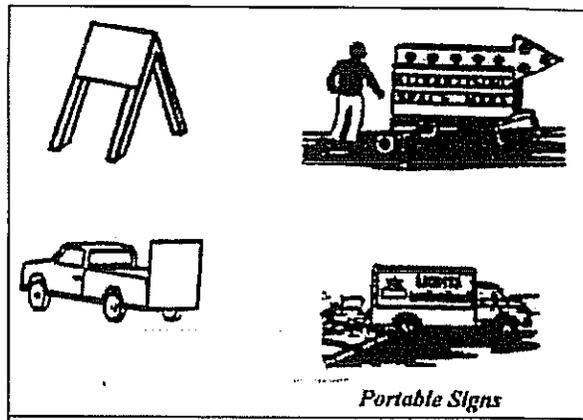
Open House Sign. A temporary sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

Outdoor Advertising Sign Structure (Billboards) A sign, display, or device affixed to the ground or attached to or painted or posted onto any part of a building or similar permanent structure, used for the display of an advertisement to the general public.

Pole/ Pylon Sign: A two-sided sign with an overall height as allowed by Code and having one or more supports permanently attached directly into or upon the ground with the lower edge of the sign face to be at least seven (7) feet above grade or four (4) feet above grade if the sign is located within a street landscape setback.

Political Sign. A temporary sign directly associated with national, state, county or local elections.

Portable Sign. A sign that is not permanently affixed to a structure or the ground, not including A-frame signs.



Projecting Sign. A sign other than a wall sign suspended from, or supported by, a building or structure and projecting outward.

Promotional Sign. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

Real Estate Sign. An on-site sign pertaining to the sale or lease of the premises.

Roof Sign. A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

Shingle Sign (canopy sign). A sign suspended from a roof overhang of a covered porch or walkway that identifies the tenant of the adjoining space.

Sign. Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

Sign Area. The entire face of a sign, including any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be

measured by the area enclosed by straight lines not to exceed ten (10) sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures.

Sign Program. A coordinated program of one or more signs for an individual building or building complexes with multiple tenants.

Special Event. An event such as sales, grand openings, going out of business, or other promotional events that are not part of typical business, cultural, or civic activity.

Temporary Sign. A sign intended to be displayed for a limited period of time.

Tract. A residential subdivision of contiguous lots within a recorded tract where five or more lots are concurrently undergoing construction.

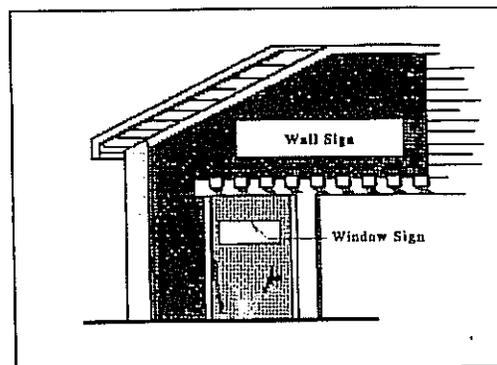
Trademark. A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

Two-sided Sign. Means a freestanding sign where two identical sign faces are placed back to back on the same structure. Any other configuration is considered to be a sign with more than two faces except as allowed by the freestanding sign standards.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

Wall Sign. A sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure.

Window Sign. Any sign that is applied or attached to a window so that it can be seen from the exterior of the structure.



Section 87.0730 APPLICABILITY.

This Chapter shall apply to all signage proposed within the community. No signs shall be erected or maintained in any land use district established, except those signs specifically enumerated in this Chapter. The number and area of signs as outlined in this Chapter are intended to be maximum standards. In addition to the standards set forth herein, consideration shall be given to a sign's relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval, but shall not limit maximum standards for signs.

Section 87.0740 ADMINISTRATION

- a. **Administration**
The Director of the Community Development Department is authorized by the Town Council to administer and enforce the provisions of this Chapter, unless otherwise provided in this Chapter. The Director may designate a representative to act in his/her place.

- b. **Application and Fees.**
 - 1. Applications for sign permits shall be made on forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms.
 - 2. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
 - 3. Political Signs are exempt from payment of fees.
 - 4. Any fees shall be doubled for signs that are erected or placed prior to issuance of a sign permit or any required building and electrical permits.

- c. **Interpretation**
 - 1. This Chapter shall be interpreted in a manner which best fulfills the intent of its provisions.
 - 2. Questions arising from the application of the Chapter shall be interpreted by the Director. If any inconsistency still exists in the interpretation, an appeal application shall be referred to the Planning Commission for their determination.

- d. **Appeals**
 - 1. Any decision or determination of the Director may be appealed within ten (10) days to the Planning Commission. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town of Yucca Valley fee schedule.
 - 2. Any decision of the Planning Commission may be appealed to the Town Council in accordance with the Appeal provisions provided by the Development Code.

Section 87.0750 SIGN PERMIT REQUIRED

- a. No exterior sign shall be erected, placed, displayed, or dimensionally altered, without registration and the prior issuance of a Sign Permit by the Planning Division, unless exempted by *Section 87.0790 Exempt Signs*. Temporary Sign Permits are required for those designated under *Section 87.07130 Temporary Signs*. Sign Permits are not required for change of sign face/ copy, minor maintenance or minor repairs to existing legally erected signs. Building and/or electrical permits may also be required from the Building Division.

- b. The Director of the Community Development Department shall review all applications for consistency with this Chapter. The Director shall approve, or approve subject to modifications and/or conditions and consequently issue a sign permit, or deny the sign application.

- c. Signs shall be erected in conformance with the provisions of this Code and any applicable specific plan, master sign program, and any conditions of approval of the Sign Permit.
- d. Any proposed sign design that does not conform to the standards of this Chapter shall be subject to the variance provisions of this Development Code. The provisions of *Section 83.030905, Variance* shall apply. The Planning Commission may grant a sign variance based on findings, and it may be granted when property has special circumstances such as size, shape, topography, location or surroundings that deprive the property owner of privileges enjoyed by other property owners in the vicinity under identical zoning classifications. Applications for a variance shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town.

Section 87.0760 DESIGN MERIT SIGN PERMITS

The purpose of these provisions shall apply to permanent signs to provide flexibility in sign regulation and to encourage exceptional quality in sign design and construction. The provisions are intended to implement the goals and objectives of the Town’s General Plan; to encourage and promote designs which relate to and are harmonious with the rural desert character, and which enhance the quality of life of the Town.

- a. **Application and Fees** . Design Merit Sign Permits shall be made on Conditional Use Permit (CUP) application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate exceptional design and construction quality in order to be considered for Design Merit Sign Permits. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
- b. The Planning Commission shall review all applications for a Design Merit Sign Permit for consistency with the review criteria described in *Subsection (d)*, below, as well as consistency with all other standards and guidelines in this Chapter. Review shall include focus on the overall integration and relationship of the proposed sign with the buildings and site and the integration of all elements relating to the sign to achieve the purpose of this Section for exceptional quality that is harmonious with the desert character. Consideration may include size, color, materials, illumination, location, as well as all other elements of creative sign design and construction. Signs that do not clearly demonstrate exceptional quality in design, use of materials, and craftsmanship shall not be considered for any increase in size or height as allowable by this Section.
- c. **Allowable Sign Area and Height.**
The following increases in sign area and height may be allowed when consistent with the purpose, criteria and findings of Design Merit Sign Permits.
 - 1. Freestanding signs in Commercial and Industrial land use districts.
 - A. Freestanding signs for single and multi-tenant buildings and sites that are allowed pursuant to *Sections 87.07122 and 87.07124* of this Chapter.
 - 1. Up to a maximum of twenty-five (25) percent increase in area may be allowed.
 - 2. Up to a maximum of fifty (50) percent increase in height for

freestanding signs may be allowed for signs.

d. **Review Criteria**

1. The General Design Standards included in *Sections 87.07122* and *87.07124* are minimum requirements that apply to all signs. Each Design Merit Sign Permit application shall be reviewed by the Planning Commission to determine how exceptional design and material beyond these minimum standards have been incorporated into the proposed sign and whether these elements have been successfully integrated to create a sign that is consistent with the purposes of this Section, which represents exceptional quality, enhances community design and is harmonious with the desert character because it:
 - A. Evokes a special relationship to the structure and uses located on site by incorporating elements of the structural architecture and/or natural features of the site, without dominating the site;
 - B. Makes use of high quality and/or natural or indigenous building materials including, but not limited to rock, adobe, timber, carved wood and incised lettering in stone;
 - C. Identifies the site or use without intensive sign copy (text) by use of graphic imagery and/or logo or utilizes reverse channel lettering or opaque sign field (background) with illuminated routed copy.
 - D. Sign structure is incorporated with landscape treatments including landscape planters, rockscapes, xeriscapes or similar creative landscape elements.
2. Treatments more specific to wall signs that may qualify for the Design Merit Permit include:
 - A. Graphic or logo sign only (without text or type face)
 - B. Reverse channel lettering on opaque background;
 - C. Base-relief lettering.

e. Prior to approving a Conditional Use Permit application for a Design Merit Sign Permit, the Planning Commission shall find and justify that all of the following are true:

1. The proposed sign exhibits exceptional design quality and incorporates high quality materials that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;
2. The proposed sign is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;
3. The proposed sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;

4. The proposed sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable specific plan;
5. That granting the Design Merit Sign Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided in *Subsection d* above and by *Sections 87.07122* and *87.07124* of the Development Code.

Section 87.0770 LANDMARK SIGN PERMIT

The purpose of these provisions shall apply to existing permanent signs to provide flexibility in sign regulation that provide landmark value to the community as well as structural sign support. Landmark signs shall evoke a ready reference and connection to the local history of the Town or symbolic landmark. Typical examples include western settlement themes associated with ranching, prospecting, mining, adobes, or extensions of similar architectural landmarks.

- a. **Application and Fees** . Landmark Sign Permits shall be made on Conditional Use Permit application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate the landmark quality and features of the proposed sign in order to be considered for the Landmark Sign Permit. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
- b. The Planning Commission shall review all applications for the Landmark Sign Permit for consistency with the review criteria and finding described below, as well as reference and connection to the local history or symbolic landmark of the Town. Review shall include consideration of size, color, materials, illumination, location, as well as all other elements of creative sign design and construction.
- c. **Review Criteria.** The following criteria will be used to provide guidance during the Town's review. A landmark sign should meet one or more of the following criteria:
 1. The sign shall be at least 25 years or older.
 2. The sign shall exhibit a creative or unique sign design, creative or unique graphics, or construction
 3. The sign structure advertises the original business center name or business name.
 4. The sign display signs must be clean, neatly painted, free from corrosion, cracks, and broken surfaces. The sign shall also have no malfunctioning lights or missing sign copy.
- d. **Findings.** Prior to approving a Conditional Use Permit application for a "Landmark Sign Permit", the Planning Commission shall find and justify that all of the following are true:
 1. The sign is distinct from other signs in the Town in that it clearly provides a reference and connection to the local history of the Town or a local symbolic landmark.

2. The sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;
3. The sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable plan;
4. That granting of the Landmark Sign Permit is based upon its distinct quality.
5. The sign and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion.

Section 87.0780 PROHIBITED SIGNS

Unless otherwise determined by the Director, the following signs are inconsistent with the sign standards set forth in this Chapter, and are therefore prohibited:

- Abandoned signs and supporting structures
- Chalkboards or blackboards
- Permanent sale or come-on signs
- Portable signs (except A-frame)
- Roof signs
- Signs painted on fences or roofs
- Large balloons or other large inflatable devices
- Signs that are affixed to vehicles that are purposely parked and serve as an advertisement device.
- Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.
- Signs which incorporate in any manner any flashing, moving, or intermittent lighting.
- Animated or moving signs or signs which contain any moving parts.
- Banners and Flags (see *Section 87.0130 Temporary Signs*)

Section 87.0790 EXEMPT SIGNS

The following non-illuminated signs shall be permitted without the requirements of a sign permit obtained from the Director of Community Development Department subject to limitations provided in this Chapter or as otherwise provided by State law:

- a. **Exempt Residential Signs:**
 1. One (1) residential building identification sign, used to identify individual residences, not exceeding 2 square feet in area displaying the name of the owner, occupant, or specific property name.
 2. Address numbers shall be placed upon existing and on newly constructed primary dwelling units. Numbers shall be a minimum of 4 inches in height and shall be contrasting in color to the background. Numerals shall be illuminated during hours of darkness.

3. One (1) double faced real estate advertising sign, for sale, lease or rent of a single-family residence and residential lots:
 - A. Such sign shall not exceed nine (9) square feet in area and six (6) feet in height.
 - B. Such sign shall be situated within the property line and in no event shall encroach upon public right-of-way. Such sign shall remain only during the period of time that the premises are being offered for sale, lease or rent and in any event shall be removed fifteen (15) days after the property is sold or the lease is terminated. Property is deemed to be sold upon the close of escrow, upon transfer of legal title, or upon execution of an installment sale, contract, whichever occurs first.
 - C. Open House signs, for the purpose of selling a single house or condominium and not exceeding nine (9) square feet in area and six (6) feet in height, are permitted for directing prospective buyers to property offered for sale.
 - D. Three (3) Open House banners per dwelling unit are allowed on the lot where the open house is conducted with a maximum sign area of sixteen (16) square feet each, for a period not to exceed three (3) days.
4. Until such time as a formal kiosk program is implemented by the Town Council, temporary off-site weekend directional signs shall be permitted for purposes of providing direction subject to the following regulations:
 - A. Maximum area of a directional sign shall not exceed three (3) square-feet nor shall the maximum height of any part of the sign exceed height of three (3) feet.
 - B. Signs shall only be posted on weekends between 3:00 p.m. on Friday and 8:00 a.m. on Monday, or between 3:00 p.m. on the day preceding a holiday occurring on Friday and 8:00 a.m. on the following Monday, or between 3:00 p.m. Friday and 8:00 a.m. on the following Tuesday following a holiday occurring on a Monday.
 - C. Signs shall be posted in the right-of-way.
 - D. There shall be no more than one (1) sign per direction of traffic at any intersection.
 - E. Signs shall be at least five hundred (500) feet from any other sign for the residential development, except at intersections. Signs shall not be within twenty (20) feet of a sign for any other residential development and shall in no way obscure, obstruct, detract, or interfere with any traffic or safety sign.
 - F. Signs left within the right-of-way beyond the time specified in *Subsection (B)* above will be removed by Town forces and any costs for removal will be billed to the project developer

b. **Exempt Commercial Signs:**

1. Window signs not exceeding three (3) square feet and limited to business identification, hours of operation, and emergency information.
2. Non-illuminated real estate signs for the initial sale, rental, or lease of commercial and industrial premises subject to the following:

One (1) sign per street frontage not to exceed 32 square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight (8) feet in overall height and shall be removed upon sale, lease or rental of the premises or 24 months, whichever comes first. Thereafter, one sign per premise not to exceed 16 square feet in size and eight (8) feet in height is permitted for the sale, lease or rent of the premise.
3. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign per street frontage or entrance, up to a maximum of two signs, identifying all contractors and other parties (including lender, realtor, subcontractors, etc.). Each sign shall not exceed 32 square feet in area and eight (8) feet in height. Each sign shall be removed prior to issuance of a Certificate of Occupancy.
4. One (1) building identification sign, used to identify individual buildings, not exceeding two (2) square feet in area displaying only the name of the owner or occupant.
5. Address numbers shall be placed upon existing and on newly constructed primary buildings. Number height shall be in accordance with the Fire Department requirements. Numerals shall be illuminated during hours of darkness.
6. Vacant commercial parcels may have real estate freestanding signs which do not exceed a maximum of eight (8) feet in height with a maximum of two (2) signs not to exceed an area of sixteen (16) square feet each, not to exceed a combined total of 32 square-feet.
7. Signs located within a structure and not visible from the outside of the building or not so located as to be conspicuously visible from the outside.
8. Memorial signs and plaques installed by a civic organization provided they shall not encroach upon public right-of-ways.
9. Official and legal notices issued by a court or governmental agency.
10. Official flags of the United States, the State of California, County of San Bernardino, Town of Yucca Valley, and nationally or internationally recognized organizations.
11. Official traffic, fire and police related signs, temporary traffic-control signs used

during construction, utility facilities, substructure location, identification signs, markers required to protect said facilities, and other signs and markers required by the Town, Caltrans, or other public agency.

12. Holiday decorations, in season, displayed for an aggregate period not exceeding sixty (60) days in any one (1) calendar year.
13. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs showing notices required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:
 - A. The signs number no more than four.
 - B. No such sign projects beyond any property line.
 - C. No such sign shall exceed an area per face of three square feet.
 - D. Signs may be double-faced.
14. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law.
15. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and 16 square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than eight (8) feet.
16. Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area that does not exceed three (3) square feet, have a maximum overall height of four (4) feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five (5) feet from any property line is maintained. Directional signs may display an arrow or other directional symbol and/or words, including but not limited to "parking", "enter", "exit", "do not enter", "drive-through", and other similar messages.
17. Notices or signs required to be posted by law.
18. Signs located within recreational facilities such as baseball fields, stadiums and other similar facilities that advertise local businesses and other sponsors for sporting activities.
19. Official Town signs which incorporate reflective, shimmering discs, or similar elements.

Section 87.07100 SIGN PROGRAM

- a. **Sign Program Required.** A sign program shall be developed for all new commercial, office, and industrial centers. The purpose of the program is to integrate signs with building and landscaping design to encourage a unified architectural statement. This shall be achieved by:
- The use of the same background color, and allowing signs of up to three (3) different colors per multi-tenant center.
 - The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.
 - Utilizing the same form of sign illumination.
 - Logos may be permitted and are not subject to the color restrictions specified in the program and serve as supplementary advertising devices to the sign(s).
- b. **Application Requirements.** In addition to any application form and fee, the following information is required for review of a sign program:
- 1 Site plan, to scale, indicating the location of all existing and proposed freestanding signs with sign area dimensions, colors, material, letter type, letter height, and method of illumination;
 2. Building elevation(s), to scale, with sign location shown and dimensioned;
 3. Sign details indicating sign area, dimensions, color, materials, letter style, letter height, and method of illumination.
- c. **Design Guidelines.** The following guidelines are encouraged in developing a sign program.
1. A theme, styles, types, color or placement of signs that will unify and identify the center and integrate the signs with the building design should be provided. Consideration should be given to the different types of tenants (e.g. major and minor) and placement locations consistent with the architectural design;
 2. Sign color should compliment the building color. In general, the number of primary colors on any sign shall be limited to no more than two with secondary colors used for accent or shadow detail. Variations in color may be used as long as the remaining components of the program remain consistent with the overall program;
 3. The same type of cabinet supports or method of mounting for signs of the same type shall be used;
 4. The same type of construction material for same components, such as monument sign bases, panels, cabinets, and supports shall be used;
 5. Consideration should be provided for logos or trademarks.
- D. **Approval.** The Director shall have the authority to approve, conditionally approve, or deny a sign program based on the findings that the proposed sign program is in compliance with the

purpose of this Section.

Section 87.07110 GENERAL DESIGN STANDARDS:

The purpose of this Section is to assist professional sign designers and the general public in understanding the Town's goals and objectives for achieving high quality, efficient signage within the Town. These standards will be used to encourage a high degree of sign quality while providing flexibility necessary for creativity on the part of sign designers. The criteria and standards in this section apply to all sign proposals. The standards should be followed unless the purpose of this Chapter can better be achieved through other design techniques.

a. **Computations** The following methods shall be used to measure sign height and sign area.

1. **Sign Height**

A. **Pole Sign**

1. The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.
2. Where the finished grade level is above or below street level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.

B. **Monument Sign**

1. The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.
2. Where the finished grade level is above street level, and/or a planter or retaining wall exists, the height shall be the vertical distance measured from finished grade to the highest point of the sign structure.
3. Where the finished grade level is below street grade level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.

2. **Sign Area**

The entire surface area within a single continuous perimeter, not to exceed ten (10) sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures, face of building and incidental parts shall constitute sign area. Signs placed back to back shall be taken as the area of one face if the two faces are of equal area or of the area of the larger face if the two are of unequal area.

c. **Sign Copy**

1. Letter size shall be proportional to the background and overall sign size.
2. Graphics consistent with the nature of the product to be advertised are encouraged. However, these shall be considered as part of the sign area.

3. Logos are encouraged but are considered part of the sign area.
4. Signs which incorporate electronic message boards shall be subject to review and approval by the Planning Commission.
5. Electronic message areas shall not exceed 25% of the total sign area of the sign structure it is attached to.

d. **Materials**

1. All signs, except those provided for under Temporary Signs shall be permanent in nature and should reflect the architectural design of structures and natural features of the site by containing unifying features and materials.
2. High quality and natural materials, such as exterior grade building materials are encouraged.
3. Freestanding/monument signs shall incorporate lighting, colors, planters, or other architectural treatment to enhance the visual element of the installed sign.
4. Poles or other supporting structures for freestanding signs shall incorporate architectural treatments, landscape planters, or similar structural enhancements.

e. **Illumination**

1. **Preservation of the Night Sky**

- A. All signs shall comply with *Chapter 8.70* of Title 8 of the Yucca Valley Municipal Code relating to Regulations for Outdoor Lighting.
- B. Off-white shades shall be encouraged for sign background color in lieu of pure white.
- C. The use of dark background coloring and lighter shades for lettering is highly encouraged.

2. **Neon Signs**

- A. **Exterior Signs:** Neon tubing may be permitted as a material in exterior signs subject to the following:
 1. Exterior neon signs shall be permitted only in commercial zones.
 2. Within shopping centers, neon signs may be allowed as a part of a sign program.
- B. **Interior Neon Signs:** Neon tubing may be permitted as a sign material for interior window signs subject to the following:
 1. Permitted in commercial zones only.
 2. No more than two (2) neon window signs shall be permitted per

business.

e. **Clear Sight Triangles**

All signs shall comply with the provisions of the Development Code regarding clear sight triangles which includes the following:

1. There shall be no monument signs allowed within a clear sight triangle.
2. There shall be no more than two (2) posts or columns, each with a width or diameter no greater than twelve (12) inches, within a clear sight triangle.
3. When a freestanding sign is located within a clear sight triangle, the lower edge of the sign face shall be at least eight (8) feet above grade.

Section 87.07120 SIGNS IN RESIDENTIAL, OPEN SPACE, PUBLIC/ QUASI PUBLIC DISTRICTS

No sign, outdoor advertising structure, or display of any kind shall be permitted in Residential, Open Space, and Public and Quasi Public land use districts, except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **On Site Subdivision, Mobile Home Park and Multi-Family Identification.**

1. One (1) monument sign per each public street frontage, not to exceed two (2) such signs with a maximum of twenty-four (24) square feet in area each, and six (6) feet in height. The sign shall be set back a minimum of five (5) feet from any property line.
2. Sign copy shall be limited to the name of complex, address, and complex manager's phone number.
3. One directory sign per vehicle entrance to multi-residential developments of 12 or more units or mobile home parks, not to exceed four (4) feet in height and 24 square feet in sign area to be located within required front yard or street side yard.

b. **Signs for Non-Residential Uses**

Non-residential uses located in Residential, Open Space, or Public and Quasi Public land use districts such as institutional uses including churches, schools, funeral homes, cemeteries, recreational uses, and agriculture related signs may be permitted. More than one sign may be allowed provided that the maximum cumulative sign area is not exceeded.

1. One (1) monument sign per each public street frontage, not to exceed two (2) such signs with a maximum of twenty-four (24) square feet in area each, and six (6) feet in height and may not extend above a wall or fence. The sign shall be set back a minimum of five (5) feet from any property line.
2. Non- illuminated wall signs may be permitted a cumulative sign area per building frontage of one (1) square foot per each one (1) foot of building frontage with a maximum of two (2) signs. Wall signs shall not be located above an eave, roof line or

parapet.

3. **Signs for Cemeteries or Memorial Parks.** Entryway signs not to exceed twenty-four (24) square-feet in area mounted on decorative driveway entryway wall/fencing.

Section 87.07122. SIGN IN COMMERCIAL DISTRICTS

No sign, outdoor advertising structure, or display of any kind shall be permitted in Commercial District except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **Single Tenant Building**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one (1) square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs on parcels with 150 feet of frontage and greater shall be based on one (1) square-foot per five (5) linear feet of street frontage on which the sign is located. No single sign shall exceed sixty (60) square-feet in area.
- B. A maximum 30 square foot freestanding sign is allowed on any parcel with less than 149 feet of street frontage.
- C. Maximum height of a monument sign shall not exceed eight (8) feet or a maximum height for a pole sign not to exceed twelve (12) feet with the lower edge of the sign face to be at least seven (7) feet above grade or 4 foot clearance if located within a landscape setback.
- D. Any single sign 25 square-feet in area or less in area may be designed with sign faces placed at angles provided they do not exceed 45 degrees and not be considered a multi-faced sign.

3. **Shingle Signs** Small suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or projects not more than three (3) feet from building face.
- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

4. **Projecting Signs** A projecting sign may be permitted subject to the following:
 - A. In lieu of a permitted building wall sign, a double faced projecting sign may be installed and placed at angles provided they do not exceed 60 degrees, provided such sign does not exceed the size allowance.
 - B. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building and projects not more than three (3) feet from building face and does not extend above the roof line.

b. **Commercial Complexes & Multiple Tenant Buildings**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one (1) square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.
- B. Subject to the approval of a sign program, the property owner may apportion the sign area to individual uses or overall building, or certain identification, provided that the total cumulative sign area is not exceeded.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed three hundred (300) square-feet in area.
- C. Any single sign 25 square-feet in area or less in area may be designed with sign faces placed at angles provided they do not exceed 45 degrees and not be considered a multi-faced sign.
- D. Maximum height of freestanding signs shall comply with the following:

Road Designation Per Circulation Element of General Plan	Net Center Area	Max. Sign Height
Highway	15 acres or more	25 feet pole or pylon
Highway	8 to 14.99 acres	15 feet pole or pylon
Highway	Less than 8 acres	In accordance with Sec. 87.07122
Arterial	Any size	In accordance with Sec. 87.07122
Collector or Other	Any size	In accordance with

- E. Freestanding building pads located adjacent to a highway or street may be permitted a monument sign not to exceed 25 square-feet.
- F. All freestanding signs shall reflect high quality, enhance community design and be harmonious with the desert character through the following:
 - 1. Evokes a special relationship to the structures and uses located on the site by incorporating elements of the structural architectural and/or natural features of the site;
 - 2. Makes use of high quality and/or natural building materials, including but not limited to, rock, adobe, timber, carved wood and incised lettering in stone;
 - 3. Identifies the site or use without extensive sign copy (text) by use of graphic imagery and/or logo.
- 3. **Shingle Signs.** Small projecting or suspended signs may be permitted subject to the following:
 - A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or projects not more than three (3) feet from building face.
 - B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.
- c. **Pedestrian Sidewalk (A-Frame) Sign.**
 - A. One pedestrian (A-frame) sign per tenant, not to exceed 2' x3' or 6 square-feet for each side of sign area shall be permitted when placed on the sidewalk adjacent to the business and in no case shall be lined along the street frontage and within any right-of-way.
 - B. The sign shall be appropriately anchored with a bolt system or other methods to ensure the sign is properly secured and the sign is not left out overnight at any time.
 - C. The sign shall not be located in a landscape planter or a location which may create an impediment to pedestrian, disabled, or emergency access.
 - D. Balloons, banners, flags, lights, or other similar items shall not be attached to or made a part of the sign.
- d. **Window Sign**
 Windows with permanent and/or temporary signage are allowed if they do not cover more than 50% cumulative total of permanent and temporary signage of the individual window

surface and shall be removed upon non-occupancy.

e. **Service Station-Identification**

1. **Freestanding Signs:**

- A. On-premises/Price Freestanding Sign. One maximum thirty (30) square-foot, including price advertising as required by State law sign per street frontage.
- B. Service stations, whether situated on an independent parcel, or incorporated as part of a commercial, industrial or office complex, shall have independent freestanding sign rights.

2. **Building and Pump Island Canopy Signs**

- A. Building wall and canopy signs shall be limited to two signs totaling no more than thirty-six (36) square-feet in combined display area. For service stations with multiple tenants, one additional building wall sign shall be allowed for each use, with a maximum combined sign area limit of fifty (50) square-feet.

3. **Pump Island Signs**

- A. One (1) non-illuminated wall or ground sign for each pump island, not to exceed a total of four (4) per station, with a maximum sign area of two (2) square feet per face. Special service signs shall be limited to such items as self serve, full serve, air, water, cashier, and shall be non-illuminated. Price signs must meet requirements of the California Business and Professions Code.

- f. **Drive-through Restaurant Menu Boards.** In addition to the provisions for freestanding commercial business under *Subsection (b)(2)* of this Section, fast food restaurant with drive-thru or walk up facilities may be allowed up to two (2) menu or reader boards with a maximum area of twenty-five (25) square-feet each. Any pictures, photographs, representations, or logos within the perimeter of the board shall be included in the computation of maximum area for such boards.

Section 87.07124 SIGNS IN INDUSTRIAL DISTRICTS. No sign, outdoor advertising structure, or display of any kind shall be permitted in an Industrial District, except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **Single Tenant Building**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does

not exceed the allowable square-footage.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed sixty (60) square-feet in area.
- C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.

3. **Shingle Signs** Small suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy
- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

b. **Industrial Complexes & Multiple Tenant Buildings**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.
- B. Subject to the approval of a sign program, the property owner may apportion the sign area to individual uses or overall building, or certain identification, provided that the total cumulative sign area is not exceeded.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed two hundred (200) square-feet in area.
- C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.

3. **Shingle Signs** Small projecting or suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or

projects not more than three (3) feet from building face.

- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

Section 87.07128 SIGNS IN SPECIFIC PLAN (SP) DISTRICTS

Sign Programs for special or unique uses as a part of a specific plan may be approved containing standards other than provided in this Chapter except that the provisions of Section 87.07100 *Sign Program* shall apply.

Section 87.07130 TEMPORARY SIGNS. Temporary signs shall not be installed prior to the issuance of a Temporary Sign Permit.

a. **Special Events (Charitable Community Events)**

- 1. **(Charitable Events)** Temporary Special Event Signs for Charitable Community Events (charitable events, fund raising sales and other similar community events) may be permitted as a means of publicizing an event for a limited, specified period subject to the following restrictions:

- A. Signs shall be removed promptly at the end of the special event or the display period but not to exceed 30 days, which ever occurs first.

- B. One (1) banner located on a building wall shall be allowed for non-profit, religious, charitable or fraternal organizations when used for the temporary advertising of special events, provided it does not exceed sixty (60) square feet.

- C. Where no building exists, one (1) thirty-two (32) square-foot banner detached from any building is allowed, provided it is announcing a charity or community event and is being displayed on the property in which the community or charity event is to take place.

- D. Provided consent of the property owner is granted in writing, a nonprofit, religious, charitable (501c3) or fraternal organization may display one "A" frame off-site temporary directional sign along either SR 62 or SR 247 for no more than three (3) events annually to advertise a charitable event, provided:

- 1. The sign is neither located within the public right-of-way or creates a visual obstruction for drivers of vehicles.

- 2. The sign complies with *Section 87.07122(b)(4)* of this code and may be displayed for the duration of the charitable community event.

- 2. **Civic Community Events:** Temporary Special Event Signs for Civic Community Events (holiday parades, festivals, and other similar civic events) where the Town is either a sponsor or co-sponsor of the event may be permitted as a means of publicizing an event for a limited specified period subject to the following restrictions:

- A. Signs shall be removed promptly at the end of the special event or the display period which ever occurs first but not exceed 30 days.

- B. Up to six (6) building wall mounted banners shall be allowed for civic organizations when used for temporary advertising special civic events provided each banner does not exceed one hundred (100) square feet and consent of the property owner is granted in writing.
- C. One 60 square-foot freestanding banner is limited to the site in which the event is to take place and cannot be located within the public right-of-way or create a visual obstruction for drivers of vehicles. Except that provided consent of the property owner is granted in writing, one (1) temporary banner not exceeding sixty 60 square-feet may be installed at each Town entryway along SR 62 to 30 days prior to the event and removed promptly at the end of the special event.

b. **Subdivisions and Model Home Signs (Temporary)**

The following shall apply to tracts and model home signs except for signs within developments with an adopted sign program, pursuant to *Section 87.07100*.

1. **On-site Freestanding Signs**

Freestanding signs shall be limited to one sign per street frontage and shall be located 10 feet from any street right-of-way on the project site. All signs shall be removed within 30 days after the sale/rental of the last unit in the project/subdivision. Refer to *Section 87.07140(b) & (c)* for regulations pertaining to off-site subdivision signs.

- A. For subdivisions up to 5 acres, one (1) sign is allowed, not to exceed a maximum sign area of 16 square feet, and not to exceed a maximum sign height of eight (8) feet.
- B. For subdivisions 5 to 40 acres, two (2) signs are allowed, not to exceed a maximum sign area of 16 square feet, and not to exceed a maximum sign height of eight (8) feet.
- C. For subdivisions more than 40 acres, two (2) signs are allowed, with a maximum of 32 square feet of sign area each, and eight (8) feet in height.

c. **Temporary Commercial and Industrial Signs.** Temporary commercial and industrial signs to publicize sales, new merchandise, close-outs, grand openings or other similar events may be permitted subject to the following restrictions:

- 1. A permit may be issued for temporary signs provided that a permit may not be issued to an applicant unless a period of time has elapsed which is two (2) times the length of time that the previous sign was permitted.
- 2. Temporary window signs may be permitted on outside facing windows if the cumulative total of any permanent and temporary signage (excluding open/close signs) does not cover more than 50% of the individual window surface.
- 3. Special event signs may include search lights, beacons, and small balloons; however, the display of such devices shall be limited to 2 days or less or the duration of the event.

4. One thirty two (32) square-foot, 8 foot-high non-illuminated freestanding sign per street frontage located on the subject property advertising a future facility/business or tenant provide the temporary sign is located ten (10) feet from any right-of-way and the sign is removed upon occupancy of the building.

5. **Banners and Flags:**

A. No banners, flags, pennants, hulas, streamers shall be displayed without a permit.

B. One banner not exceeding sixty (60) square-feet shall be permitted to advertise a special event provided the banner is attached to the space advertising the special event in accordance with the time frames specified above. However, in lieu of a building wall banner, one-thirty-two (32) square foot of sign area may be permitted for a maximum of thirty (30) calendar days that may be located on the property to advertise seasonal sale items such as pumpkins or Christmas trees.

C. The business owner/applicant shall immediately remove any banner, flag, pennant, hula and streamers determined to be tattered, torn, faded, no longer tightly attached to the building, abandoned, or non-maintained.

D. Pennants, hulas, streamers and other similar devices shall be limited to fleet services (i.e. car lots). The strings on which pennants, hulas, streamers and other such devices are hung, where permitted, shall be limited in length to not more than one and one half (1/2) times the street frontage of the property or tenant/building frontage.

E. Banners, flags, pennants, hulas and streamers shall not be displayed above the roof line of the building.

F. One maximum fifty (50) square-foot banner identifying the name of a new business may be displayed for no more than ninety (90) days.

d. **Political Signs (Temporary)**

Temporary political signs are exempt from Temporary Sign Permit fees, and are permitted on private property in all land use districts subject to the following limitations:

1. Signs shall not be displayed more than forty-five (45) days prior to an election, and shall be removed within fifteen (15) days after the same election.

2. Political signs shall have a maximum area of eight (8) square feet in residential land use districts and thirty-two (32) square feet in all other land use districts.

3. Such signs shall not be erected within any street intersection, clear sight triangle or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

4. Such signs shall not be nailed or affixed to any tree, fence post or public utility pole and shall not be located in the public right-of-way or publicly owned land.
5. Such political signs shall be affixed in such a manner that they can be easily removed.

Section 87.07140 OFF-SITE SIGNS AND BILLBOARDS

a. Billboards

No new off-site advertising sign structures shall be located within the Town. Any owner of an existing permitted off-site billboard sign may replace such sign on the same site with another off-site billboard sign when located in the commercial land use districts subject to obtaining a Conditional Use Permit in accordance with the provisions of *Chapter 83.03105*. The following conditions shall apply:

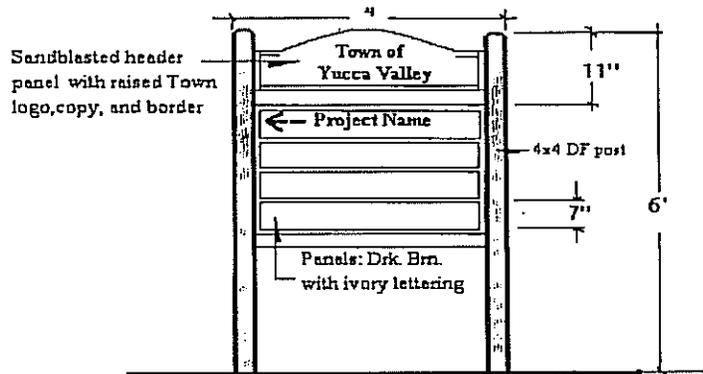
1. The advertising display area of the replacement sign shall not exceed the display area of the existing sign or signs to be replaced and in no event shall it be greater than 200 square feet per face with a maximum of two faces. Display area does not include decor or pole covers.
2. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be maintained at the same existing height. It shall be located so that no materials or structural feature, except poles or pilasters, shall extend into the cross visibility area between ground level and lower edge of the billboard sign.
3. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be treated so as to screen the billboard lighting from public view. The color and materials shall be subject to approval pursuant to the provisions of this Section.
4. The sign structure shall be located no closer than ten (10) feet to any property line.
5. Under no circumstances shall more than one new sign be erected to replace one sign removed.
6. The replaced sign(s) shall be removed prior to the use of the replacement sign.
7. The sign and structure shall be continuously maintained in an attractive, clean, and safe condition pursuant to this Section.
8. The sign structure shall not constitute a traffic hazard because of sign shape or its location in relationship to an official public traffic sign or signal.
9. The sign structure shall not contain any flashing or blinking light material, or mechanically activated or animated devices.
10. The sign structure shall be located in such a manner that it does not block the view of any on-site advertising sign on the same or adjoining parcels.

b. Off-Site Residential Subdivision Directional Signs

The following shall regulate and establish a standardized program of off-site residential and subdivision directional kiosk signs for the Town. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.

1. **Kiosk Signs.**

A. The panel and sign structure design shall be in accordance with Fig 10.



RESIDENTIAL KIOSK DIRECTIONAL SIGN
Single Panel Signs

Figure 10

- B. A kiosk sign structure shall be located no less than 300 feet from an existing or previously approved Kiosk site, except in the case of signs on different corners of an intersection.
- C. The placement of each kiosk sign structure requires review and approval by the Community Development Director.
- D. All kiosk signs shall be placed on private property with written consent of the property owner or on Town right-of-way pursuant to issuance of a Town of Yucca Valley encroachment permit.
- E. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the Director prior to the issuance of a Sign Permit.
- F. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the kiosk signs as originally approved. No other non-permitted directional signs, such as posters or trailer signs, may be used.
- G. All non-conforming subdivision kiosk directional signs associated with the subdivision must be removed prior to the placement of directional kiosk sign(s).
- H. Kiosk signs, or attached project directional signage, shall be removed when

the subdivision is sold out. The entity administering the program will be responsible for removal of panels and structures no longer needed.

- I. All kiosk sign structures shall conform with the following standard regulations:
 1. No more than one panel per development per side of a kiosk sign is permitted.
 2. Double sided kiosk signs are permitted.
 3. Kiosk sign panels may only contain the name of the subdivision, a directional arrow, and one sign copy color as indicated Figure 10.
 4. Kiosk sign structures with different size structures for major and local streets shall be considered by the Director or his/her designee. Design, size and height of kiosk structures and panels shall require approval of the Community Development Director.

- c. **Interim Temporary Off-Site Residential and Subdivision Signs.** Until such time as a Kiosk program is implemented by the Town Council, temporary off-site residential and residential subdivision signs shall be allowed subject to the approval of a Temporary Sign permit. Signs shall be of quality or near quality in composition normally associated with professionally manufactured signs.

Temporary off-site residential and subdivision signs shall be permitted subject to the following regulations:

1. **Residential Subdivision Signs:** For subdivisions as defined in this subsection, all signs shall conform to the following standards:
 - A. A maximum of four (4) off-site signs per subdivision shall be permitted.
 - B. The maximum area of any sign shall not exceed thirty-two (32) square-feet and no dimension shall exceed eight (8) feet.
 - C. The maximum height of any part of the sign shall not exceed eight (8) feet.
 - D. Signs shall be located a minimum of five hundred (500) feet from any other sign for the same subdivision and at least one hundred (100) feet from any other subdivision sign, except at intersections.
 - E. Signs shall not be located within any clear sight triangle as required by this Code.
 - F. Signs shall not be located closer than five (5) feet from the edge of the planned or ultimate right-of-way of any street.
 - G. Such off-site signs shall be permitted only on vacant property with written authorization from the property owner.

- H. No flags or banners shall be permitted for off-site sign.
 - I. Temporary Sign Permits shall be valid for twelve (12) months. Permits shall be renewed every twelve (12) months.
 - J. At the completion or build out of a subdivision all signs shall be promptly removed.
 - K. If after one hundred eighty (180) days no construction activity has occurred, all signs shall be promptly removed.
2. **Residential (Non Subdivision) Signs:** For residential development all signs shall conform to the following standards:
- A. A maximum of four (4) off-site signs per residence under construction shall be permitted.
 - B. The maximum area of any sign shall not exceed four (4) square-feet and no dimension shall exceed two (2) feet.
 - C. The maximum height of any part of the sign shall not exceed four (4) feet.
 - D. Signs shall be located a minimum of five hundred (500) feet from any other sign for the residence under construction and at least one hundred (100) feet from any other residential sign, except at intersections.
 - E. Signs shall not be located within any clear sight triangle as required by this Code.
 - F. Signs shall not be located closer than five (5) feet from the edge of the planned or ultimate right-of-way of any street.
 - G. Such off-site signs shall be permitted only on vacant property with the property owners written authorization.
 - H. No flags or banners shall be permitted for off-site sign.
 - I. Temporary Sign Permits shall be valid for twelve (12) months. Permits shall be renewed every twelve (12) months.
 - J. Such sign shall remain only during the period of time that the residence is being offered for sale and in any event shall be removed ten (10) days after the property is sold. Property shall be deemed sold upon the close of escrow or upon transfer of legal title, whichever occurs first.

Section 87.07145 OFF-SITE SIGNS ON PUBLIC PROPERTY

Private advertising signs may be placed on structures in the public right of way, such as bus shelters, if there is a licensing agreement approved by the Town Council authorizing such off-site signs on public property. An application for a sign permit must be approved prior to the construction of off-site signs on public property; and the applicant and the owner of the sign shall comply with the

provisions of *Section 87.07160* regarding sign construction and maintenance standards.

Section 87.07146 PUBLIC AND INSTITUTIONAL FACILITY DIRECTIONAL SIGNS

a. Intent

It is the intent of this section to establish criteria for those signs used to identify public facilities that are either public service integrated and Town owned or acknowledged through joint partnership agreements and institutional uses.

Public and institutional facilities signs play an important role in guiding and directing citizens and visitors to public and institutional facilities within the Town. Additionally, it is important with current sign issues on SR62 and on local roads that the installation of directional signs does not create additional sign clutter following installation. It is the intent of this section to establish guidelines for primary Town owned and operated public facilities and institutional facilities. Prior to consideration of approval for installation of the directional signs, the Traffic Commission and Town Council shall carefully consider the use of the public facility and institutional facility and the need for directional signing both along the state highway and/or on local roads.

b. Justification: A Directional Sign for the purposes of identifying site location is warranted when any of the following facility criteria are met:

1. The facility is public service integrated, i.e. official Federal, State, County of San Bernardino, Town of Yucca Valley facilities, as well as regionally and community significant park facilities, and institutional facility.
2. The facility is owned or operated by the Town of Yucca Valley.
3. The facility is involved in a current joint partnership agreement with the Town.

c. Appearance:

1. Signs to be installed along State Highways:
 - A. All signs installed along State highways shall conform to the height, size and color requirements as stipulated in the CalTrans *Traffic Manual*.
2. Signs to be installed along roads within Town right-of-way:
 - A. All signs shall be constructed of aluminum alloy material and include an engineering grade, smooth reflective sheeting or reflective baked enamel finish.
 - B. Sign shape shall be rectangular with a maximum horizontal length of 36 inches and a maximum vertical length of 24 inches.
 - C. Sign color shall be a blue reflective background with reflective white lettering and symbol. Public park identification signs shall be the Federal Standard of brown background with reflective white lettering.
 - D. Sign post shall have "break-away" capability and be either a singular square steel tube, steel u-post or wooden material.

- E. Sign height, once installed, shall not exceed 80 inches and shall be a minimum of 48 inches high.
- d. **Location:**
- 1. Signs installed along State Highways:
 - A. All signs proposed along State Highways shall conform to the installation requirements pursuant to the CalTrans *Traffic Manual*.
 - 2. Signs installed along roads within Town right-of-way:
 - A. Signs installations shall be limited to only those streets that are included in the Town's maintained road system.
 - B. Sign placement shall be determined by the Town's Engineering Division.
 - C. The number of signs installed for a specific facility shall be determined by the Town's Engineering Division.
 - D. Maintenance of the signs shall become the responsibility of the Town.
- e. **Approval:**
- 1. All directional Signs:
 - A. All public facility directional signs shall be approved by the Town Traffic Commission prior to installation.

Section 87.07147 WALL MURAL DESIGN CRITERIA

- a. **Criteria**
- 1. **Maximum Number of Murals Per Site:** One (1) mural per structure may be approved by the Planning Commission. In unique circumstances whereby the design of the mural(s) and structure are enhanced by additional murals, the Planning Commission may allow for more than one mural per structure.
 - 2. **Advertisement Value:** Words and/or images may not generally be incorporated within the proposed mural which specifically identifies or reflects the business, products and/or services provided by the business occupying the structure.
 - 3. **Design Theme:** Desert-Western, compatible with the building design and surrounding properties.
 - 4. **Sign Area:** Wall mural signs shall not be calculated as business advertising signage and is not subject to the maximum wall sign area ratio. Murals can occupy an entire single wall on which the mural is applied.
 - 5. **Color Scheme:** The colors used in the mural signs shall be complimentary and harmonious with the exterior colors of the building and consistent with the Desert-Western concept and surrounding properties. Florescent colors would not be considered in keeping with the Desert-Western concept.

6. **Permitting Process:** All Wall Mural applications shall be processed through the Design Merit Program process.
7. **Findings:** Prior to approving a Wall Mural application, the Planning Commission shall find and justify that all of the following are true:
 - A. The proposed mural exhibits exceptional design quality and incorporates high quality material that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;
 - B. The proposed mural is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;
 - C. The proposed mural, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;
 - D. The proposed mural is consistent with the goals, policies and standards of the Town's General Plan and applicable specific plans;
 - E. That the granting the Wall Mural Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided above.

Section 87.07150 ABANDONED SIGNS

- a. A sign or sign structure that is nonconforming shall be removed by the owner or lessee of the premises upon which the sign or structure is located when for a period not less than 90 days the business or product identified in the sign is no longer conducted on the premises, the structure upon which the sign is displayed is abandoned, or the advertising is no longer displayed on the sign structure. If the owner or lessee fails to remove the sign, the Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense.
- b. Any legal, conforming structural supports for an abandoned sign may remain, if installed with a blank sign face and supporting structures are maintained.

Section 87.07160 CONSTRUCTION AND MAINTENANCE

- a. Every sign, and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and Town regulations and the Uniform Building Code.
- b. Every sign, including those specifically exempt from the provisions of this Chapter with respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other non-maintained or damaged portion of a sign shall be repaired or

replaced within 30 calendar days following notification by the Town. Failure to do so may result in the sign being adjudged a nuisance and abated in accordance with Section 87.07190 et seq. of this code.

Section 87.07170 NONCONFORMING SIGNS

- a. **Purpose and Intent.** The requirements of this Section are intended to recognize that the eventual elimination of signs that do not comply with the provisions of this Chapter is as important as the prohibition of new signs that would violate these standards.
- b. Any sign legally existing on the effective date of this Ordinance that does not comply with the regulations of this Chapter shall be deemed to be a nonconforming sign.
- c. A legally established sign which fails to conform to this Chapter shall be allowed as a continued use until such time any of the following occurs first:
 1. Structurally altered so as to extend its useful life.
 2. Expanded, moved, or relocated.
 3. Re-established after damage or destruction of more than 50% and the destruction is other than facial copy replacement and the display is not repaired within 30 days of the date of its destruction.
 4. There is a change in ownership of the property, inheritance by a member of a deceased owner's family shall not be deemed to constitute a change of ownership;
 5. The business or land use activity is discontinued or sold;
 6. The property is subdivided or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method or device which would otherwise circumvent the intent of this section;
 7. A Conditional Use Permit, Site Plan Review, or Land Use Compliance Review is granted for the property or use of the property;
 8. A Sign Permit is issued permitting installation or construction of a new or additional sign on the property;
 9. Whenever there is a change in ownership or tenancy of any business or tenant space within a shopping center, new wall signage and/or freestanding sign conforming to the requirements of this Chapter that identifies such change is permitted although nonconforming signs exist within the center. However, no change of sign copy to identify such change in ownership or tenancy shall be permitted on any nonconforming sign.

Section 87.07190 ENFORCEMENT

- a. **Stop Work Orders.** The issuance of a sign permit shall not construe a waiver of any provisions of this Chapter or any other ordinance of the Town. The Building Official, or other designated person, is authorized to issue a stop work order for any sign or advertising display installation which is being erected or displayed in violation of this Chapter, or any other ordinance of the Town.

- b. **Revocation.** Upon failure of the holder or applicant to comply with the provision of this Chapter or the conditions of approval of the sign permit, the Director is authorized and empowered to revoke any permit with a written statement of the reasons for revocation.

- c. **Public Nuisances.**
 - 1. The following signs and advertising displays are hereby declared to be public nuisances:
 - A. Signs and advertising displays illegally erected, placed or encroaching on or over any public right-of-way;

 - B. Any sign or advertising display declared to be hazardous or unsafe by the Director, the Building Official, or any other Town designated person.

 - 2. A Town enforcement officer may, without notice, move, remove, and/or dispose of a sign or advertising structure that has been declared a public nuisance in accordance with *Subsection (a)* above. In addition, an enforcement officer may authorize any work required to correct a hazardous or unsafe condition.

 - 3. A Town enforcement officer shall charge the costs of processing, moving, removing, disposing, correcting, storing, repairing or working on a sign or sign structure to any one of all of the following, each of which shall be jointly and individually liable for said expenses.
 - A. The permittee; and/or

 - B. The owner of the sign; and/or

 - C. The owner of the premises on which the sign is located.

 - 4. The charge for expenses shall be in addition to any penalty for the violation and recovery of the sign does not necessarily cancel the penalty.

 - 5. Signs made of paper, cardboard, lightweight wood or inexpensive plastic or similar materials which are removed, may be discarded immediately. All other removed signs shall be held thirty (30) days by the Town, during which period it may be recovered by the owner paying the Town for costs of removal, storage, and processing. If not recovered within the allowed thirty (30) day period, the sign and structure is hereby declared abandoned and title thereto shall vest to the Town.

- d. **Abatement of Signs.** The Community Development Director shall order the abatement, abate, or cause to be abated any temporary or permanent sign erected, placed or displayed in

violation of this Chapter in accordance with the following:

1. **Notice**

A. A written notice shall be sent or delivered to the owner of the sign or advertising display, or his representative, ordering abatement of the illegal or obsolete display, except as noted above. Temporary signs or advertising displays shall be ordered to be removed or abated immediately. Signs other than temporary signs or advertising displays shall be ordered to be abated within ten (10) days.

B. Subsequent to or in lieu of the notice to abate, the Director may cause to be mailed by registered or certified mail written notice to the owner of the sign, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within ten (10) days.

e. **Appeal**

The owner may, within the ten (10) day period, appeal the notice to the Town Council. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town fee schedule. There shall be a stay of abatement until a decision is rendered by the Town Council.

f. **Abatement**

After the expiration of the ten (10) day notice period, the enforcement officer may enter the property and abate the sign or advertising display. The Town may also contract for the abatement.

g. **Assessments**

The Town may order a special assessment and place a lien against the property for reimbursement of all costs in accordance with *Chapter 6.04* of the Town of Yucca Valley Municipal Code.

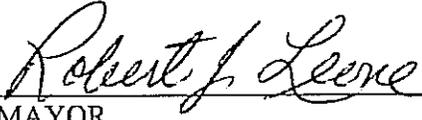
h. **Alternatives**

Nothing in this Chapter shall be deemed to prevent the Town Council from ordering the Town Attorney to abate the alleged nuisance or to obtain any other appropriate remedy in addition to, as an alternative to, or in conjunction with the procedures authorized by this Chapter. Nor shall the implementation of this Chapter be deemed to prevent appropriate authorities from commencing a criminal action based upon the conditions constituting the alleged nuisance.”

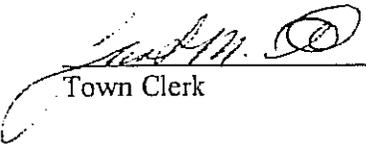
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption. Section 87.07170(c)(4) and (5) shall become operative October 2,2006.

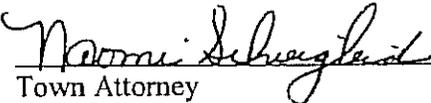
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 2nd day of September, 2004.


MAYOR

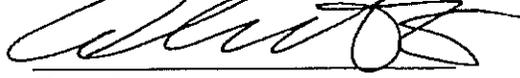
ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 156 as duly and regularly introduced at a meeting of the Town Council on the 19th day of August, 2004, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 2nd day of September, 2004, by the following vote, to wit:

Ayes: Council Members Cook, Earnest, Mayes, Neeb and Mayor Leone

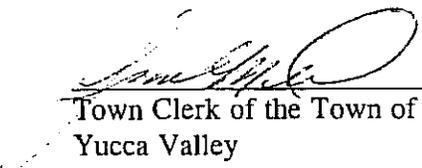
Noes: None

Absent: None

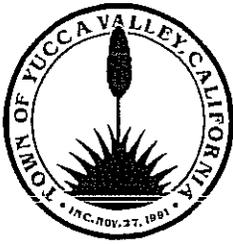
Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 7th day of September, 2004.

(SEAL)



Town Clerk of the Town of
Yucca Valley



Date Received	_____
By	_____
Fee	_____
Case #	_____

**SPECIAL LICENSE
SECOND HAND DEALER
PEDDLING, HAWKING & SOLICITING**

(Please check one)

JUNK DEALER PAWNBROKER SECONDHAND DEALER
PEDDLER HAWKER SOLICITER

NEW RENEWAL (Pawnbroker/Secondhand Dealer)

(Please Type or Print Legibly. You may attach additional sheets if necessary.)

APPLICANT _____ PHONE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

DRIVERS LICENSE # _____ STATE _____

CONTACT PERSON _____ PHONE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

BUSINESS NAME (dba or Fictitious Name) _____ PHONE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PROPERTY OWNER _____ PHONE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PROPERTY OWNER'S SIGNATURE _____ DATE _____

RESALE NO. (Board of Equalization) _____ HEALTH PERMIT NO. _____

UNDER PENALTY OF PERJURY, I DECLARE THAT ALL INFORMATION ON THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE AND BELIEVE TRUE AND CORRECT STATEMENT OF FACT. I UNDERSTAND THAT IN ADDITION TO OBTAINING A PERMIT/ LICENSE, I MUST COMPLY WITH ALL OTHER CITY, COUNTY, STATE AND FEDERAL LAWS, REGULATIONS AND ORDINANCES. **NOTE:** THIS APPLICATION DOES NOT CONSTITUTE A LICENSE. THE APPLICATION WILL BE REVIEWED AND DETERMINATION WILL BE BASED UPON PROVIDED INFORMATION. A RENEWAL APPLICATION MUST BE SUBMITTED ANNUALLY.

APPLICANT SIGNATURE _____ DATE _____

**Town of Yucca Valley
Community Development Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084**

EMPLOYEES WORKING UNDER THIS PERMIT:

NAME _____ DRIVERS LICENSE # _____

NAME _____ DRIVERS LICENSE # _____

(If additional space is needed attach a separate sheet of paper)

SUPPLIER OF GOODS TO BE SOLD _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

DESCRIPTION OF MERCHANDISE OR SERVICE THAT APPLICANT PROPOSES TO HAWK, PEDDLE, SOLICIT, OR SELL

LOCATION(S) WHERE GOODS WILL BE SOLD, INCLUDE ASSESSOR PARCEL NUMBERS _____

DATES AND TIMES THAT APPLICANT PROPOSES TO HAWK , PEDDLE, SOLICIT, OR SELL _____

Attachments: In addition to completing the application form, the following information must be attached for review.

- License and application fee.
- Copy of any court judgement rendered against the applicant
- Copy of State Sales Tax Permit
- Two photographs at least two by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner taken within sixty days immediately prior to the date of the filing of the application.

A license issued by the Town of Yucca Valley will authorize the licensee to peddle, hawk or solicit in the locations and during the time designated in this application only, and when there is no interference with the free flow of vehicle traffic or obstruction of pedestrian traffic. The licensed person shall be permitted to do the licensed activity only during daylight hours. There shall be no licensed activity until the license is actually issued. Licensees shall comply with all applicable State law, including California Business and Professions Code Section 17510 et seq., and Health and Safety laws.

ORDINANCE NO. 99

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING CHAPTER 5 OF DIVISION 1, TITLE 4 RELATING TO PEDDLING AND SOLICITING AND HAWKING OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO PEDDLING, HAWKING, AND SOLICITING

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED.

Chapter 5 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

**“CHAPTER 5
Peddling, Hawking, and Soliciting**

Sections

- 41.051 Definitions
- 41.052 License Required
- 41.053 Application For Permit
- 41.054 Regulations For Hawking
- 41.055 Permit- Expiration Date
- 41.056 Permits Not Transferable
- 41.057 Exemptions
- 41.058 Revocation Of Permit
- 41.059 Refusal To Leave Unlawful
- 41.060 Penalties

41.051 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively described to them by this section.

"Canvasser" or "Solicitor" means any person traveling either by foot, wagon, automobile, motor truck or other type of conveyance, from place to place, from house to house, from business to business, from street to street, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales, or not. Asking for donations by any means (approaching people or setting a can/device for people to place donations in).

"Peddler" means any person traveling by foot, wagon, automotive vehicle or any other type of conveyance from place to place, from house to house, from business to business or from street to street carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same

for sale or making sales and delivering articles to purchasers to offer the same for sale from a wagon, automotive vehicle or other vehicle or conveyance.

“**Hawking**” means any person offering merchandise for sale near a public street by outcry or by attracting the attention of persons by exposing goods in a public place.

“**Transient Merchant**”, “**Itinerant Merchant**” or “**Itinerant Vendor**” means any person who establishes himself or herself in business with the intention and determination to remain in business for a short period of time only, and who, for such limited period, engages or occupies a building for the exhibition and sale of goods or wares.

“**Tax Exempt Organization**” means any organization qualifying for tax exempt status under Sections 23701 (a), 23701(b), 23701(d), 23701 (e), 23701(f), 23701(g) or 23701(l) of the California Revenue and Taxation Code.

41.052 License Required

No solicitor, canvasser, peddler, hawker, transient merchant, itinerant merchant or itinerant vendor shall engage in such business within the town without first obtaining a license therefor in compliance with the provisions of this chapter. An application for the resale of food items will not be considered without evidence of a current health permit as issued by San Bernardino County Dept. of Environmental Health.

41.053 Application for Permit

(a) Any person required by this chapter to have a permit shall submit a written application together with the appropriate fees to the Town of Yucca Valley Community Development Department. Said application shall be verified and shall contain the following:

1. The name, address and telephone number of the applicant.
2. The supplier of goods to be sold.
3. A copy of the State Sales Tax Permit (California Revenue and Taxation Code 6066) for the applicant's activities attached to the application.
4. A description of every type of merchandise or service that the applicant proposes to hawk, peddle, or solicit.
5. A designation of the location the applicant proposes to hawk, peddle or solicit and dates and times of the same.
6. The applicant shall file with his application two photographs taken within sixty days immediately prior to the date of the filing of the application; said pictures shall be two by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.

41.054 Regulations for Hawking

(a) To be considered “Hawking” and not a “Swap Meet” no more than two permits will be issued per parcel or shopping center.

(b) Hawking permits shall only be issued when there is a minimum distance of one-half mile

between approved hawking sights.

(c) The hawking of merchandise shall be limited to the sale of flowers, fruits and vegetables, firewood.

41.055 Permit- Expiration date and Display of Permit

(a) Permits shall be issued for a one (1) year period. Upon expiration, the permittee may apply for a new permit in the same manner as a new application.

(b) Upon the issuance of a permit, each permittee will be given a badge that identifies the permittee's name, drivers license number, and permit number. The permittee is required to wear/display such badge during the time the activity for which the permit was issued is taking place.

41.056 Permits Not Transferable

No permit authorized by this chapter shall be transferable to, or used by, a person not named in the permit as the person to whom it was issued.

41.057 Exemption - Religious, Non-profit Organizations, Charitable Exemption

No permit shall be required by:

(a) Any person intending to peddle or solicit or hawk goods, wares, services or merchandise or solicit for the purpose of raising funds for a recognized religious, non-profit organization, or charitable organization, or solicit charitable donations.

(b) Any person having a fixed place of business within the Town of Yucca Valley shall not be required to obtain a permit otherwise required by this Chapter.

(c) Any home based business within the Town of Yucca Valley that has obtained a home base permit issued by the Town of Yucca Valley shall not be required to obtain a permit otherwise required by this Chapter.

(d) Persons invited to call upon private residences by the owner or occupant thereof.

(e) Persons licensed and regulated by the State pursuant to Sections 12000 et seq. Of the Business and Professions Code of the State.

(f) Persons selling or soliciting sales of a daily or weekly newspaper as defined in Section 6040.5 of the Government Code of the State.

(g) Persons soliciting or canvassing for or against any candidate for public office or any ballot measure.

41.058 Revocation of Permit.

Any permit issued under this Chapter shall be revocable for good cause after a hearing before the Town Council. If a permit is revoked, no fee paid shall be refunded to the applicant.

41.059 Refusal to leave unlawful.

It is unlawful for a peddler or solicitor or person distributing literature, or merchandise of any kind, to refuse to leave any residence, dwelling, apartment, business, or other private property or public place within the town when requested to leave by owner, occupant, resident, manager, or other person in control thereof.

41.060 Penalties.

Any person violating or causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor.”

SECTION 2. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 3. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this ____ day of _____, 1998.

MAYOR

ATTEST:

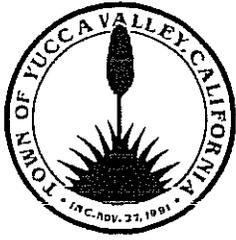
Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Town Attorney
F:\COMMON\COMMON\ORDINANC\ORD99.WPD

Town Manager



Date Received	_____
By	_____
Fee	_____
Case #	_____

SPECIAL LICENSE PERMIT

TEMPORARY SPECIAL EVENT

(Please Check All That Apply)

CARNIVAL OUTDOOR FESTIVAL CIRCUS
 FAIR CONCERT PARKING LOT SALE
 OTHER

(Please Type or Print Legibly)

APPLICANT _____ PHONE _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 CONTACT PERSON/REPRESENTATIVE _____ PHONE _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 BUSINESS NAME (dba or Fictitious Name) _____ PHONE _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 PROPERTY OWNER _____ PHONE _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 OWNER'S SIGNATURE _____ DATE _____

EVENT INFORMATION

DATE(S) OF EVENT _____

HOURS OF EVENT _____

LOCATION OF EVENT _____

ASSESSORS PARCEL NUMBER(S) _____

DESCRIPTION OF EVENT _____

Town of Yucca Valley
Community Development/Public Works Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084

EXPECTED NUMBER OF PERSONS ATTENDING EACH DAY _____

WILL YOU BE SELLING / SERVING FOOD OR BEVERAGES? IF YES, WHAT TYPES?

HOW ARE YOU PROPOSING TO SET UP / PREPARE FOR THE EVENT?

HOW ARE YOU PROPOSING TO CLEAN-UP THE SITE AND HANDLE TRASH DISPOSAL?

UNDER PENALTY OF PERJURY, I DECLARE THAT ALL INFORMATION ON THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE AND BELIEVE TRUE AND CORRECT STATEMENT OF FACT. I UNDERSTAND THAT IN ADDITION TO OBTAINING A PERMIT/ LICENSE, I MUST COMPLY WITH ALL OTHER CITY, COUNTY, STATE AND FEDERAL LAWS, REGULATIONS AND ORDINANCES.

NOTE: THIS APPLICATION DOES NOT CONSTITUTE A LICENSE. THE APPLICATION WILL BE REVIEWED AND DETERMINATION WILL BE BASED UPON PROVIDED INFORMATION. A RENEWAL APPLICATION MUST BE SUBMITTED ANNUALLY.

APPLICANT SIGNATURE _____ DATE _____

Attachments: In addition to completing the application form, the following information must be attached for review.

1. INSURANCE REQUIREMENTS

Before any permit is issued for a circus, large concert, parade, carnival or similar type of event, the applicant shall provide the Town with evidence of a policy of liability insurance with an endorsement issued by an admitted insurer in an amount of not less than \$1,000,000. The policy shall name the applicant and the Town of Yucca Valley, its officers, agents, and employees, as co-insured for protection against any loss, claims, liability, injury, and damage of any nature arising out of or in any way connected to the temporary special event conducted by the applicant. The insurance coverage shall be primary and not contributing with any other insurance of the Town. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Town. The cancellation policy shall read as follows: "Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will mail 30 days written notice to the certificate holder named to the left [The Town of Yucca Valley]." A copy of the certificate shall remain on file.

The applicant shall enter into a hold harmless and indemnification agreement provided by the Town prior to the issuance of any permit.

2. SITE PLAN

For all events that will be held outdoors, such as carnivals, fairs, parades, festivals, parking lot sales, and concerts, the applicant shall provide a site plan of the event. The site plan should include all buildings/enclosures, stages, tents, vendor areas, parking provisions, access drives, and setbacks from streets/highways.

ORDINANCE NO. 210

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING CHAPTER 15 OF DIVISION 1, TITLE 4 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO SPECIAL EVENTS

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. Code Amended

Chapter 15 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

“Chapter 15

TEMPORARY SPECIAL EVENT PERMIT

Sections:

41.151	Intent.
41.1510	Temporary Special Event Permit
41.1515	Permit Required.
41.1520	Submittal
41.1525	Processing
41.1530	Insurance Requirements.
41.1540	Rules and Regulations
41.1545	Appeals.
41.1550	Referral By The Planning Division
41.1555	Permits/Licenses Nontransferable.
41.1560	Posting.
41.1569	Requests for Law Enforcement Services at Special Events.

41.151 Intent.

The intent of this ordinance is to provide discretionary approvals for certain “temporary special events” as defined in this Chapter to be allowed in certain zones in addition to those uses which are specifically permitted in their respective zone. Temporary special uses shall be established by Special Event Permit granted by the Planning Division pursuant to the procedures contained in this Chapter.

41.1510 Temporary Special Events Permitted.

- (a) Temporary special events shall be permitted with a Temporary Special Event permit

as specified below which indicate each temporary special event permitted, the zones in which the use is allowed, the maximum number of days each use is allowed and the maximum number of occurrences in each calendar year:

Permitted Special Events (With a Special Event permit)	Land Use District Permitted	Maximum Number of Days Per Event	Maximum Number of Events Per Calendar Year
Church tent revival meetings	All Land Use Districts	10	1
Circus, carnival	All "C", "T", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	10	2
Fair, concerts, parades, exhibits, festivals, art shows, car shows, street fairs or similar events	All "C", "T", and Public/Quasi Public, all land use districts in Old Town Specific Plan Area	10	12
Farmers Markets	All "C", "T", and Public/Quasi Public, all land use districts in Old Town Specific Plan Area	Two days per week	Permit is valid for one year

(b) Where uncertainty exists regarding the interpretation of any provision of this Chapter or its application to specific special event which may not be listed, the Planning Division shall determine the intent of the provision and or determine whether the proposed event is consistent with the provisions of this Chapter.

(c) Multiple Temporary Special Events maybe combined into a single permit, however Certified Farmers Markets shall comply with the California Code Of Regulations, section 1392 and obtain all required permits from the County of San Bernardino.

41.1515 Permit Required.

Except as otherwise provided by the Town of Yucca Valley or state law, no person or entity shall operate, maintain, conduct, advertise, or provide admission for any temporary special event within the Town of Yucca Valley without possessing an unexpired, unsuspended and unrevoked permit from the Community Development Department for each such temporary special event.

41.1520 Submittal.

(a) An application for a temporary special event shall be filed with the Community Development Department. The following information shall be included in the application:

- (1) The name, address, and telephone number of the applicant or representative.
- (2) The signature of the property owner, address or assessors parcel number of the site at which the activity is to be conducted, authorizing the application to be filed.
- (3) A written description specifying the date (s) of the event is to be held and a brief description of the activity, including the proposal for the preparation and clean up of the site where the activity is to take place.

(b) The charge for the permit shall be set from time to time by resolution of the Town Council. In addition, the applicant shall reimburse the Town for the actual cost of providing any necessary personnel, including but not limited to, police and fire personnel to the applicant for the purpose of assisting in the event.

41.1525 Processing:

Upon the receipt of a completed application and all related fees, the following will occur:

- (a) The processing of a complete Temporary Special Event Permit application will generally vary from one (1) to five (5) working days, depending on the complexity. If such activities interfere with traffic or involve potential public safety hazards, an application may take more than five working days to allow for inter-departmental or agency notification.
- (b) Each application for a Temporary Special Event Permit shall be analyzed at staff level to assure that the application is consistent with this Chapter and any other applicable Town standards or policies. If such activities interfere with traffic or involve potential public safety hazards the application shall be forwarded to the appropriate agencies for comment.

(c) At the completion of the Planning Section's review, a permit may be issued by the Planning Division including a listing of conditions necessary to assure the preservation of public health, safety and welfare.

41.1530 Insurance Requirements.

(a) Before any permit is issued for a church tent revival meeting, circus, large concert, parade, carnival, fair, exhibit, festival, art show, car show, street fair, farmers, market or similar type of event, the applicant shall provide the Town with evidence of a policy of liability insurance issued by an admitted insurer in an amount of not less than \$1,000,000. The policy shall name the applicant and the Town of Yucca Valley, its officers, agents, and employees, as co-insured for protection against any loss, claims, liability, injury, and damage of any nature arising out of or in any way connected to the temporary special event conducted by the applicant. The insurance coverage shall be primary and not contributing with any other insurance of the Town. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Town. A copy of the certificate shall remain on file.

(b) The applicant shall enter into a hold harmless and indemnification agreement provided by the Town prior to the issuance of any permit.

(c) To ensure cleanup and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of the event and inspection of the site by the Town, the deposit may be returned to the applicant if the cleanup and restoration of the site has been determined by the Town to be sufficient.

41.1540 Rules and Regulations.

(a) Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.

(b) Conditions of Approvals: The conditions of approval shall be based upon the following criteria:

- (1) The health, safety, and welfare of all persons;
- (2) Avoidance of undue disruption of all persons within the affected area;
- (3) The safety of property within the Town;
- (4) Compliance with all other applicable agency regulations.

(5) If an event is held within a parking area, the event shall not substantially alter the existing circulation pattern of the site or impact traffic movement with adjacent or surrounding public roadways.

(6) The event shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of 4 feet to provide for handicap access.

(7) Where an activity takes places within an unimproved (dirt) area, some form of dust control will need to be provided as approved by the Town.

(c) Additional Regulations: From time to time, the Planning Division may recommend, as deemed necessary, rules and regulations to implement the provisions of this section. Such rules and regulations shall have the force of law and failure to comply shall be considered a violation of the provisions of this section. The rules and regulations to be adopted shall be implemented with the following intent:

(1) Maintain the health and safety of persons and property within the Town:

(2) Avoid undue disruption of persons and traffic within the affected areas of Town.

41.1545 Appeals.

Any person aggrieved or affected by a decision of the Community Development Director in denying a Temporary Special Event Permit may appeal to the Planning Commission in writing within ten days after notice of the decision is given.

Any person aggrieved or affected by a decision of the Planning Commission in denying a Temporary Special Event Permit may appeal to the Town Council in writing within ten days after notice of the decision is given. The decision of the Town Council shall be final.

41.1550 Referral by the Planning Division

If in the judgment of the Planning Division, a proposed temporary special event may have a substantial adverse impact on public health, safety or welfare, may elect not to approve a Temporary Special Event Permit and may refer the application for disposition by the Town Council at its next regularly scheduled meeting.

41.1555 Permits/Licenses Nontransferable.

Any permit issued pursuant to this chapter is not transferable to any other person, organization or place.

41.1560 Posting.

Every permit required by these regulations shall be conspicuously posted upon the premises of the temporary special event.

41.1569 Requests for Law Enforcement Services at Special Events.

Any person or entity required to obtain a permit in accordance with the provisions of this chapter may request law enforcement services to preserve the peace at special events. Such application shall be made to the Sheriff's Department and shall be in writing, stating the name and address of the applicant, the place where the special event is to be held, the estimated number of persons to be present and the purpose of the special event. Upon receipt of said application, the Sheriff's Department shall determine whether law enforcement services are necessary to preserve the peace, and if the Sheriff's Department so determines, and if the services will not reduce the normal and regular on-going service that the County would otherwise provide, the Sheriff's Department shall contract with the applicant to provide the services at an amount to include all costs to the Town of Yucca Valley.

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor attested by the Town Clerk this 18th day of May, 2010.



MAYOR

ATTEST:

APPROVED AS TO FORM:



TOWN CLERK



TOWN ATTORNEY

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 210 as duly and regularly introduced at a meeting of the Town Council on the 4th day of May, 2010, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 18th day of May, 2010, by the following vote, to wit:

Ayes: Council Members Huntington, Luckino, Neeb, and Mayor Mayes

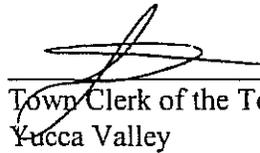
Noes: None

Abstain: Council Member Herbel

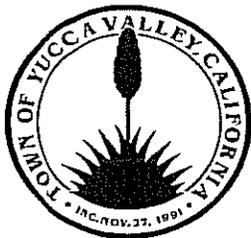
Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 19th day of May, 2010.

(SEAL)



Town Clerk of the Town of
Yucca Valley



Date Received	_____
By	_____
Fee	_____
Case #	_____

TEMPORARY USE PERMIT

APPLICATION TYPE (check one)

Non Residential

_____ Temporary Construction Office _____ Temporary Business Office _____ Other

Residential

_____ Temporary While Building Permanent Residence _____ Temporary Residence for Security

Applicant _____ Phone _____

Address _____ City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address _____ City _____ State _____ Zip _____

Assessor Parcel Number(s) _____

Location of Property _____

Number of Occupants _____ Ages of Children _____

Description of Trailer

Manufactured Home(MH) Recreational Vehicle Commercial Coach

Mobile Office Vehicle(MOV) Other

Year _____ Make _____ Model _____

Dimensions _____ Square Footage _____ Number of Bedrooms _____

Serial Number _____ OR Housing Seal Number _____

Applicant's Signature _____ Date _____

Property Owner's Signature _____ Date _____

Town of Yucca Valley
Community Development/Public Works Department
58928 Bu^{tp}. 129 Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084

Chapter 7

TEMPORARY USES

Sections:

84.0701	General Provisions.
84.0705	Temporary Residential Quarters.
84.0710	Temporary Nonresidential Quarters.
84.0715	Temporary Construction Office Quarters.
84.0720	Temporary Real Estate Model Home/Sales Office.
84.0725	Temporary On-Your-Lot Builder Model Home/Sales Office.
84.0735	Temporary Signs.
84.0740	Temporary Transportable Treatment Unit.

84.0701 General Provisions.

(a) The uses described in this Chapter shall be permitted in any Land Use District subject to the issuance of a Temporary Use Permit (T.U.P.) in accordance with the provisions of Division 3 and as otherwise specified by this Chapter. In order to establish such a use, a person must submit a permit application and remit the appropriate fees to the Department of Environmental Health Services or the Office of Building and Safety and then obtain approval of the permit and any allowed extension thereof.

(b) Permit and permit extension actions may be appealed or referred to the next succeeding reviewing authority as specified by Division 3 of the Development Code. Such appeals shall consider compliance of the proposed action with the provisions of this chapter.

(c) All temporary uses shall be subject to the following, where applicable:

(1) The valid Temporary Use Permit issued by the Director of Environmental Health Services or Building Official shall be prominently displayed in a manner so as to be visible at all times from the exterior of the structure or vehicle so permitted and subject to inspection.

(2) The structure or vehicle so permitted shall provide evidence of approval by the State Division of Housing as prescribed in the California Health and Safety Code or the Federal Department of Housing and Urban Development.

(3) Installation of a structure or vehicle so permitted shall comply with all the requirements and regulations of the Development Code, Office of Building and Safety, and the Department of Environmental Health Services and applicable state and federal regulations.

(4) The owner of the use requiring the Temporary Use Permit shall submit a letter to the Reviewing Authority setting forth in detail the primary use or the use to which the structure or vehicle is to be put, the length of time such temporary use will be required, together with a statement of such future plans as will eliminate the necessity for the temporary use.

(5) A temporary occupancy use shall be located on the same parcel or on a contiguous parcel under the same ownership or control as the primary construction project, property being protected, or other primary use for which the Temporary Use Permit was requested and approved.

(d) A Temporary Use Permit may be issued for the interim operation of any use requiring a Conditional Use Permit for a period of time not to exceed one year, provided such permit does not authorize the construction or establishment of any new permanent structures and the Planning Agency makes the findings required for approval of a Conditional Use Permit. The Temporary Use Permit application shall be filed concurrently with an application for Conditional Use Permit, where appropriate.

(e) A Temporary Use Permit may be issued for the interim operation of an exterior storage area or short-term exterior sales display area for a period of time not to exceed thirty (30) days in any land use district.

84.0705 Temporary Residential Quarters.

Manufactured home: and self-contained recreational vehicles may be used for temporary residential quarters, subject to a Temporary Use Permit (T.U.P.) issued in accordance with the provisions of Division 3. Such temporary residential quarters shall be allowed only in the following instances:

(a) Temporary residential quarters for individuals involved in the construction of the first permanent dwelling unit on the same parcel. Such a T.U.P. shall be valid only if there is a current and valid Building Permit issued by the Building Official or a valid Mobilehome Setdown Permit issued by the Department of Environmental Health Services for the permanent dwelling unit.

(b) Temporary residential quarters for security personnel engaged in the short-term protection of a legally established and permitted commercial, commercial agricultural, industrial or institutional use; or for construction projects which have current and valid permits issued by the Office of Building and Safety.

T.U.P.'s for temporary security quarters or extension thereof, shall not be granted for any period of time to exceed five (5) years from the date the original T.U.P. was issued. If security quarters are needed for a longer term than three years, a caretaker's residence should be established in accordance with the provisions of the applicable land use district.

(c) The provisions of this Section shall not be construed to limit the authority of a public school, pursuant to law, to provide a manufactured home on school property for the purpose of housing a person or persons employed by the district as a watchman or caretaker of school property on a twenty-four (24) hour basis.

(d) Any permit issued pursuant to this Section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which the use has been approved or the expiration of the time for which the approval has been granted.

84.0710 Temporary Nonresidential Quarters.

(a) Manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles, and appropriate structures constructed in accordance with the Uniform Building Code may be used for temporary nonresidential quarters, subject to the issuance of a Temporary Use Permit in accordance with the provisions of Division 3. Such temporary nonresidential quarters may be used to provide temporary office, retail, meeting assembly, wholesale, manufacturing and/or storage space for commercial, commercial agricultural, industrial, or institutional uses for a specified temporary period of time. Such quarters shall only be an interim substitute until permanent structures can be constructed or repaired, or until a short-term need has been satisfied.

(b) The Building Official shall determine through the Land Use Compliance Review that the proposed use has adequate access, circulation, parking, fencing, lighting, signage, landscaping and appropriate buffering from abutting uses as required by this Code and the applicable land use district.

(c) A T.U.P. for temporary nonresidential quarters and extension(s) thereof, shall not be granted for any period of time to exceed five (5) years from the date the original T.U.P. was issued.

84.0715 Temporary Construction Office Quarters.

Manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles, and appropriate structures constructed in accordance with the Uniform Building Code may be used for temporary construction office quarters subject to a Temporary Use Permit (T.U.P.).

Any permit issued pursuant to this Section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted.

84.0720 Temporary Real Estate Model Home/Sales Office.

(a) Dwelling units may be used for temporary real estate model home/sales offices located in residential developments and subdivisions subject to the issuance of a Temporary Use Permit.

(b) Said model home sales office may be used only for conducting the necessary activities related to the initial sale or initial lease of the land or structure located within the residential development or subdivision in which the sales office is located, or such adjacent residential developments or subdivisions that are a part of or a continuation of the same development.

(c) At least one (1) model home shall be fully landscaped with drought tolerant xeriscape materials.

84.0725 Temporary On-Your-Lot Builder Model Home/Sales Office.

Single family dwelling units may be used for temporary on-your-lot builder model homes/sales offices subject to a Temporary Use Permit and the provisions of this Chapter, including the following:

(a) Intent. The provisions of this section are intended to regulate the use of a single family dwelling unit when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots. These provisions are not intended to allow a permanent or temporary real estate office involved in real estate sales other than those involving lots sold in conjunction with the construction services being offered.

(b) Findings. Prior to the issuance of a Temporary Use Permit, the reviewing authority shall find and justify the following to be true:

The proposed On-Your-Lot Builder Model Home/Sales Office structure is located fronting on a roadway designated by the General Plan Circulation map as either a Major Divided Highway, Major Arterial, Major Highway, Secondary Highway, Desert Major, Desert Secondary, Mountain Expressway, Mountain Major or Mountain Secondary.

(c) Conditions. Prior to approving the request for or request to extend a Temporary Use Permit for an On-Your-Lot Builder model home/sales office, the proposed use shall comply with the following:

(1) The On-Your-Lot Builder Model Home/Sales Office shall be used only for the sale of construction services to build single family residential dwelling units on vacant lots and related real estate sales. All real estate sales shall be limited to the sale of vacant lots in conjunction with the sale construction services for the same lot. All real estate sales shall be an accessory and subordinate use to the primary use of construction service or sales.

(2) Only one (1) accessory freestanding or monument sign shall be permitted and it shall neither exceed thirty-two (32) square feet nor twelve (12) feet in height. Such a sign shall only be permitted on the same lot as the model home/sales office and shall be kept in good repair at all times. A freestanding sign shall maintain a minimum clearance of eight (8) feet between the bottom edge of the sign and the ground. The leading edge of such a sign shall be no closer than one (1) foot from the planned right-of-way. All signs shall comply with the provisions of Development Code Division 7, Chapter 8, that are not in conflict with this subsection.

(3) Also, each site shall be allowed to have a maximum of four (4) flags that are each a maximum twelve (12) square feet in area and a maximum twelve (12) feet in height. Such flags shall be maintained in good repair at all times. For the purpose of this Section, this shall mean no weathered, faded or tattered flags are allowed.

(4) One (1) "open house sign" no larger than twenty-four inches by eighteen inches (24" x 18") on poles no higher than four feet (4') may be displayed. Also, no more than two pennants may be displayed. Pennants shall be no greater than two feet by three feet (2' x 3') mounted on poles no higher than four feet (4'). Hours of open house sign and pennant flag displays shall be no earlier than sunrise and no later than sunset.

(5) Other than as allowed by this Section, moveable or portable signs, off-site directional signs, plastic banners, balloons, streamers, propellers, or other similar apparatus which are primarily placed and intended to attract the attention of the general public shall not be permitted.

(6) An annual inspection by the Department of Environmental Health Services shall be made in order to ensure compliance with any conditions of approval.

(7) A minimum of two (2) paved and two (2) other alternate parking spaces shall be provided. The Director of Environmental Health Services shall approve alternate parking spaces subject to surfacing requirements and possible alternate locations (e.g., on-street parking) where it is deemed necessary and appropriate.

(8) The model home shall be fully landscaped with drought tolerant xeriscape materials.

(9) A Bond shall be required to ensure removal of any signs or flags and to reconvert, where necessary, any garage conversion.

(10) A Temporary Use Permit for other On-Your-Lot Builder Model Home/Sales Office may be transferred to another party. Such a transfer shall not entitle the new owner to use such a permit for a longer time period than five (5) years from the issuance of the original permit. Department of Environmental Health Services shall be notified of any transfer of ownership.

(11) Agreement to Terminate a Temporary Use. Prior to the issuance of the permit for the first year and as a condition of that permit approval, the permittee shall enter into an agreement with the County, which shall be recorded in the official records of the County by the County Recorder. The agreement will establish the responsibility of the permittee to comply with the provisions of this Chapter. This will include acknowledgement that the permittee shall terminate the model home/sales office no later than five (5) years from the date of the initial permit and restore the structure to a use allowed by the current land use district on the subject property.

(d) Existing Uses. All existing On-Your-Lot Builder Model Home/Sales Offices shall be required to obtain a Temporary Use Permit for their use. Such permits together with approved annual extensions will allow these uses to continue for an additional five (5) years from the effective date of this Section, without penalty, provided such uses comply with the provisions and conditions established by or under the authority granted by this section.

84.0735 Temporary Signs.

Temporary Signs shall be allowed subject to a Temporary Use Permit (T.U.P.) issued in accordance with the provisions of Division 7, Chapter 7, regarding Temporary Signs.

84.0740 Temporary Transportable Treatment Unit.

Temporary Transportable Treatment Unit (TTTU) may be used for treating hazardous waste or groundwater contamination subject to a Temporary Use Permit (T.U.P.) issued in accordance with the provisions of Division 3. Such temporary transportable treatment units shall be allowed only in the following instances:

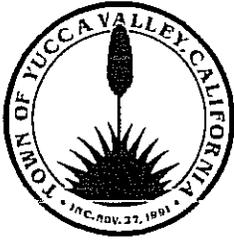
(a) The site where a TTTU will be located and operated complies with the siting criteria and procedures identified in the San Bernardino County Hazardous Waste Management Plan, or

(b) The Director of Environmental Health Services shall determine through the Land Use Compliance Review that the proposed TTTU use will not create additional health risks as demonstrated by a site specific health risk assessment.

(c) Any permit issued pursuant to this section in conjunction with a TTTU shall become invalid upon violation of a permitting requirement or completion of the project or the expiration of the time for which the approval has been granted.

(d) An annual inspection by the Department of Environmental Health Services shall be made in order to ensure compliance with any conditions of approval.

(e) A T.U.P. for a temporary transportable treatment unit and extension(s) thereof, shall not be granted for any period of time to exceed five (5) years from the date the original T.U.P. was issued.



Date Received _____
By _____
Fee _____
Case # _____

HOME OCCUPATION PERMIT APPLICATION

(Print Legibly)

APPLICANT'S NAME _____

ADDRESS _____

TELEPHONE _____

NAME OF BUSINESS (if applicable) _____

ASSESSOR PARCEL NO. _____

REPRESENTATIVE (if other than applicant) _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

GENERAL LOCATION OF PROPERTY: (Include street address, property location from nearest street or intersection, and indicate which side of street the property is on).

PROPERTY OWNER _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

(Attach written permission from property owner, if applicable).

TYPE OF BUSINESS

NUMBER OF PEOPLE INVOLVED IN THE BUSINESS AND RELATIONSHIP TO OWNER:

TYPE OF ADVERTISING TO BE USED: _____

**Town of Yucca Valley
Community Development Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084**

HOME OCCUPATION PERMIT APPLICATION INFORMATION

1. APPROXIMATE VOLUME, UNITS SOLD, NUMBER OF CUSTOMERS RECEIVED PER DAY, YEAR, OR OTHER TIME INCREMENTS

2. DESCRIPTION OF EQUIPMENT USED (HORSEPOWER, VOLTAGE, ETC.)

3. MATERIALS USED AND THEIR MANNER OF DELIVERY TO HOME OCCUPATION LOCATION:

4. HOW ARE CONTACTS MADE WITH CLIENTS OR CUSTOMERS?

5. SQUARE FEET OF AREA USED FOR STORAGE AND WORK AREA, AND TOTAL SQUARE FEET OF RESIDENCE, INCLUDING GARAGE:

6. BRIEF SUMMARY OF BUSINESS BEING CONDUCTED:

7. PROPERTY OWNERS LIST - WITH YOUR APPLICATION YOU MUST PROVIDE A LIST (ON AVERY LABELS, 33 PER 8½ X 11" PAGE) OF ALL PROPERTY OWNERS AND MAILING ADDRESSES WITHIN 300 FEET OF THE EXTERIOR BOUNDARIES OF THE PROPERTY IN QUESTION. THIS LIST WILL BE USED FOR PUBLIC NOTIFICATION (See Attachment "A").

I CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND THAT I HAVE READ AND UNDERSTAND AND WILL ABIDE BY SAN BERNARDINO COUNTY CODE, SECTION 84.0615 (HOME OCCUPATIONS) AS AMENDED BY ORDINANCE NO 178.

I UNDERSTAND THAT MY PERMIT MAY BE VOIDED FOR NON-COMPLIANCE WITH THE CONDITIONS SET FORTH IN THE APPROVAL.

SIGNATURE

DATE

SIGNATURE

DATE

ORDINANCE NO. 178

AN ORDINANCE OF THE TOWN COUNCIL OF
THE TOWN OF YUCCA VALLEY, CALIFORNIA,
AMENDING TITLE 8, DIVISION 4, CHAPTER 6
SECTION 84.0615 OF THE SAN BERNARDINO
COUNTY CODE AS ADOPTED AND AMENDED BY
THE TOWN OF YUCCA VALLEY RELATING TO
HOME OCCUPATIONS (DCA-06-05)

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Development Code Amended.

1.1 Title 8, Division 4, Chapter 6 Section 84.0615 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read in its entirety as follows:

"84.0615

Home Occupations

84.0615

(a)

PURPOSE AND INTENT:

The purpose and intent of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated within residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential homes, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit. Home Occupation permits may be allowed in multi-family zoning and in multi-family units, including duplexes, tri-plexes, and apartment units.

(b)

No person shall engage in a home occupation without first obtaining a special use permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt.

(c)

The Director of the Community Development Department, or his designee, shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of subsection 84.0615 (j). If all standards are met after complying with the notice provisions of this subsection, the Community Development Director shall make the following findings prior to issuance of the permit:

- (1) That the proposed use is not prohibited;
 - (2) That the proposed use will comply with all applicable standards;
 - (3) That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;
 - (4) That the proposed use will be consistent with any applicable specific plan.
 - (5) That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the development code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.
- (d) (1) In accordance with Section 83.010330 *Notice of Pending land Use Decision*, notice shall be given, except that such notice will be given at least fifteen (15) days prior to the scheduled hearing date. If no response has been received by the Town five (5) days prior to the scheduled hearing date and the applicant has no objections to the conditions of approval, the Community Development Director may elect not to hold a formal hearing.
- (2) Home Occupation Permits are subject to review by the Community Development Director annually, or as a result of any written complaint.
- (3) Telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customer to site, employees, or any structural alteration are exempt from permitting requirements.
- (e) Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Planning Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.
- (1) There is no visible or external evidence of the home occupation. The dwelling was not built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;

- (2) There are no displays, for sale, or advertising signs on the premises;
- (3) There are no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;
- (4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
- (5) The home occupation does not encroach into any required parking, setback, or open space area;
- (6) Outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises shall not be visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
- (7) There is complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
- (8) No pedestrian or vehicular traffic is generated in excess of that customarily associated with a residential use and the neighborhood in which it is located;
- (9) The Home Occupation has a current business registration certificate;
- (10) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use has been obtained prior to the submittal for a Home Occupation Permit;
- (11) The garage has not and shall not be altered externally;
- (12) The Home Occupation does not create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;
- (13) There are no sales of products on the premises.
- (14) No customers or clientele may visit the residence.
- (15) All employees shall be members of the resident family and shall reside on the premises.
- (16) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation.
- (17) No employees and no vehicle parking, other than that normally associated with a single family residential structure, is provided.

- (f) Home occupation permit applications meeting the following standards shall be subject to notice and hearing. The Community Development Director is the review authority, and the Director may forward the application to the Planning Commission for consideration.
- (1) There may be sales of products on the premises.
 - (2) Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 10 trips per day in all Land use Districts.
 - (3) All employees of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made, in all RS land use districts. All employees of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made in all RL land use districts. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site.
 - (4) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation in all RS land use districts. Up to thirty-five percent (35%) or five hundred (500) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the use in all RL land use districts.
 - (5) Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.
- (g) **Prohibited Home Occupations.** The following uses are not incidental to or compatible with residential activities and therefore shall not be allowed as home occupations:
- (1) Animal hospitals;
 - (2) Automotive and other vehicle repair (body or mechanical), upholstery, painting, or storage;
 - (3) Junk yards;
 - (4) Medical and dental offices, clinics, and laboratories;
 - (5) Mini-storage;
 - (6) Storage of equipment, materials, and other accessories to the construction trades;
 - (7) Welding and machining.
 - (8) Cabinet shop.

- (9) Uses which may include the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions.
- (h) The Home Occupation Permit may be revoked by the Community Development Director if any one of the following findings can be made that there exists a violation of a condition; regulation or limitation of the permit and said violation is not corrected within ten (10) days after a notice of violation is served on the violator or after repeated violations. The permit shall not be revoked without notice of hearing ten days in advance of the hearing for consideration of permit revocation. The Director may schedule the revocation hearing for consideration by the Planning Commission.
- (1) That the permitted home occupation use has changed in kind, extent or intensity from the use which received an approved Home Occupation Permit;
 - (2) That the use has become detrimental to the public health, safety, welfare or traffic, or constitutes a nuisance;
 - (3) That the use for which the permit was granted has ceased or was suspended for six (6) or more consecutive calendar months;
 - (4) That the use is not being conducted in a manner consistent with applicable operating standards described in Section 84.0618 *Operating Standards*, of this Chapter;
 - (5) That the permit was obtained by misrepresentation or fraud;
 - (6) That one (1) or more of the conditions of the Home Occupation Permit have not been met;
 - (7) That the property owner or tenant fails to permit entry onto the premises to allow periodic inspections by representatives of the Town at any reasonable time;
 - (8) That the home occupation is in violation of any statute, law, ordinance, or regulation;
 - (9) That two (2) or more valid complaints from at least two (2) different parties have been filed against the home occupation within any six (6) month period, and it is found that the use is causing harm or unreasonable annoyance or is otherwise detrimental to other property or its use in the area.
 - (10) That the applicant has not obtained a current business registration certificate from the Town.
 - (11) That the proposed use altered the character of the neighborhood and/or induced physical or socioeconomic changes to the neighborhood that are not consistent with the goals and objectives of the General Plan, that are not consistent with the development code, and that create characteristics more closely associated with commercial, office or industrial land use activities.

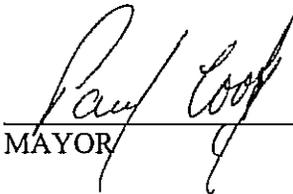
- (i) **Appeal.** Any affected person may appeal a decision of the Director of Community Development to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Community Development Director shall schedule the matter on the agenda for the next possible regular Planning Commission meeting. The Planning Commission may affirm, revise or modify the action appealed from the Town staff. Any decision of the Planning Commission may be appealed to the Town Council within ten (10) days following the Commission action.
- (j) **General Standards.** All home occupations shall comply with all of the following operating standards at all times:
- (1) There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;
 - (2) There shall be no displays, sale, or advertising signs on the premises;
 - (3) There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;
 - (4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
 - (5) The home occupation shall not encroach into any required parking, setback, or open space area;
 - (6) There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
 - (7) There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
 - (8) No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;
 - (9) No home occupation shall be initiated until a current business registration certificate is obtained;
 - (10) A Home Occupation Permit shall not be transferable;

- (11) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit;
- (12) The garage shall not be altered externally;
- (13) No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;
- (14) The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

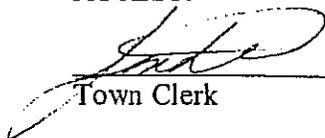
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of January, 2006.



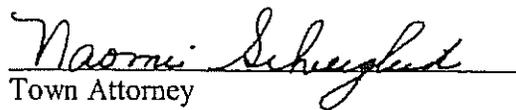
 MAYOR

ATTEST:



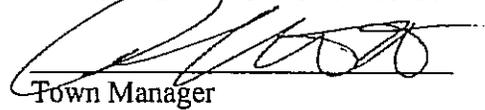
 Town Clerk

APPROVED AS TO FORM:



 Town Attorney

APPROVED AS TO CONTENT:



 Town Manager

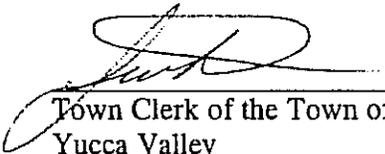
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 178 as duly and regularly introduced at a meeting of the Town Council on the 8th day of December, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 5th day of January, 2006, by the following vote, to wit:

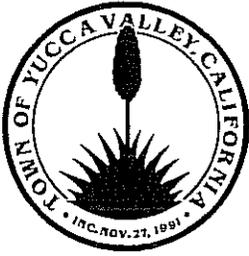
Ayes: Council Members Leone, Luckino, Mayes, Neeb and Mayor Cook
Noes: None
Abstain: None
Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 17th day of January, 2006.

(SEAL)



Town Clerk of the Town of
Yucca Valley



Date Received	_____
By	_____
Fee	_____
Case #	_____

LIVESTOCK PERMIT

Applicant (Print) _____

Address _____

City _____ State _____ Zip _____

Phone Number _____

Contact Person/Representative _____

Address _____

City _____ State _____ Zip _____

Phone Number _____

Property Owner (Print) _____

Address _____

City _____ State _____ Zip _____

Phone Number _____ Fax Number _____

Applicant Signature _____ Date _____

Property Owner Signature _____ Date _____

Town of Yucca Valley
Community Development/Public Works Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 fax 760 228-0084

Filing Fee: See Attached Fee Schedule. Each Livestock Permit is valid for 12 months following its approval date. Prior to the permit expiring, the applicant should file a renewal. Certain types of animal keeping activities may require annual inspections. In addition, whenever a valid complaint is made against a permit holder, the Town may reinspect the property for possible code and conditions of approval violations.

Submittal Requirements:

- Application
- Filing Fee
- One copy of a site plan showing the animal keeping activity on the property.
- PROPERTY OWNERS LIST - with your application you must provide a (on labels, 33 per 82 x 11" page) of all property owners and their addresses within 300 feet of the exterior boundaries of the property in question. This list will be used for public notification (see attachment "A").

HOW TO PREPARE A 300 FOOT RADIUS MAILING LIST

All LSP Applications require the applicant to submit a list of residents and property owners that live and/or own property within a 300-foot radius of the property in question. This process is required by the State of California to notify residents and property owners in the immediate vicinity. Staff will send public notices to these individuals informing them of the proposed project and scheduled public hearings. (Please refer to the attached map)

Step 1 : Where to Look?

Obtain the appropriate page(s) from the Assessor's Parcel Book.

Example: If your Assessor's Parcel Number (APN) is 587-132-04, you would look in book number 587, page 13, block number 132, parcel number 4.

Step 2: Determining the Radius

To measure the 300-foot radius, measure 300 feet from property lines (**Not from the center of the property**). The measuring scale is usually located on the page. The measurement should extend from all four sides and four corners.

Example: As illustrated on the attached map, measure 300 feet from every side of the property line. Hence, the radius extends to adjacent streets and blocks.

Step 3: Obtaining Addresses

Once you have determined the 300-foot radius, you must identify the owners of those properties that are encompassed by the radius. You will then list the APNs as shown within the radius. You can obtain the corresponding names and addresses of the property owners at the San Bernardino County Assessor's Office or a Title Insurance Company. There may be a fee for this service through a title company. The list of property owners must be on Avery labels, 33 per 82" x 11" page. This will be used for public notification.

Example: Assessor's Parcel Number
Any Name
Any Street
Any Town, State 00000

Step 4: Notices

Submit your mailing list with the LSP Application and staff will send public hearing notices to these individuals.

ORDINANCE NO. 89

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING SECTION 84.0560 OF TITLE 8 RELATING TO ACCESSORY ANIMAL RAISING OF THE COUNTY OF SAN BERNARDINO DEVELOPMENT CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. Development Code Amended

A. Section 84.0560 Accessory Animal Raising of the County of San Bernardino Development Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

"84.0560 Accessory Animal Raising

(a) This section establishes regulations to allow animal raising as an accessory use to a primary single dwelling unit for all properties which allow for the keeping of animals unless specified otherwise. Combinations of the animal types are allowed, provided:

(1) The total number in each category is not exceeded.

(2) Where a density ratio of animals per lot area is specified, the lot area or portion thereof shall be allocated only once to accessory animal raising use. Lot area used to qualify one animal type shall not be reused to allow another animal type.

(3) Animal types which are limited only by a maximum number per lot are allowed in addition to any other accessory animal raising use.

(4) For the purpose of this section, lots with attached multiple residential structures shall be limited to those animals allowed to subsections 84.0560(n)(1) and (2) for lots less than 7,200 square feet.

(b) All animal raising land uses shall comply with public health laws regarding proper care and maximum number of animals.

(c) Each animal raising land use includes all structures necessary to maintain and care for such animals (e.g., barn, corral, stable, pens and coops). Such structures shall comply with all development standards including those specified by the land use district and this section.

(d) Animal Separation

(1) Equine

(A) Equine shall be maintained in a fenced area at all times.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line	70'
From neighbor's livable dwelling or buildable setback line for those properties located within the large animal overlay district which do not have property lines contiguous to the boundaries of the large animal overlay district	45'
Front property line	10'
Rear property line, if adjacent to other privately held property	10'
Rear property line, if alleyway or dedicated flood control right of way	0'
Side property lines	5'

(2) Cattle, Buffalo, Sheep, Goats, Llamas and Camelids

(A) Each individual cattle and/or buffalo kept on private property under the provisions of this ordinance shall be provided with a minimum of 400 square feet in a fenced area.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line	100'
Front property line	10'
Rear property line, if adjacent to other privately held property	10'
Rear property line, if alleyway or dedicated flood control right of way	0'
Side property lines	5'

(C) All goats shall be provided with adequate shelter to protect them from the elements.

(D) Fencing shall be adequate to maintain livestock on the property at all times.

(3) Pigs

(A) Pigs shall be maintained in a fenced area at all times. Fencing shall be adequate to maintain the animal on the property at all times.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line	100'
Front property line	10'
Rear property line, if adjacent to other privately held property	10'
Rear property line, if alleyway or dedicated flood control right of way	0'
Side property lines	5'

(C) Adequate cooling systems shall be required

for the keeping of pigs, in addition to providing adequate shelter from the elements.

(4) Animal Enclosure. Animals may be maintained by a fence at least five (5) feet high and made of either chain link, wood with horizontal members no less than six (6) inches apart, solid masonry or other appropriate screening and confining materials. Such a fence may be located on an interior side or rear lot line and fifteen (15) feet from a side street right of way.

(A) No barbed wire fencing shall be allowed within the incorporated Town boundaries that is specific to livestock keeping pursuant to these regulations.

(B) Fences which are adjoining and running parallel to private or public streets or bridle trails shall be a minimum of five (5) feet in height with posts spaced not more than ten (10) feet apart.

(C) Animals shall be properly caged or housed in their corrals, barns, pens or other enclosures. All corrals, pens, coops, lofts, exercise areas or similar structures shall be fenced or otherwise enclosed to adequately confine the animal(s).

(5) All animals shall be kept no closer than one hundred (100) feet from a domestic water well.

(e) Accessory animal raising of densities greater than, or of animal types different from, those specified by this section shall require a Livestock Permit, except where a Special Use Permit is required. The Livestock Permit shall follow the application and review process as required for Home Occupation/Cottage Industry Permit.

(f) Newborn Animal Exception. Offspring of allowed adult animals shall not be counted in determining the number of adult animals on a given parcel, if such offspring do not exceed the following age limitations for accessory animal keeping.

(1) Accessory Animal Keeping

Dogs/Cats	4 calendar months
Emu/Ostriches	12 calendar months
Equine	12 calendar months

Sheep	60 days
Goats	60 days
Bovine	6 calendar months (300 lb. Max)
Buffalo	6 calendar months
Swine	60 days
Llama/Camelid	12 calendar months

(2) Offspring of nonallowed adult animals shall be counted as adult animals, notwithstanding their age at any particular time.

(3) The total number of offspring shall not exceed fifty percent (50%) of the number of adult animals maintained on the parcel(s) unless authorized by approval of a discretionary Livestock Permit except for offspring of dogs and cats.

(4) Bovine offspring up to 300 pounds or six months old, may be substituted for equine off-spring in all single family residential land use districts where large animal keeping is allowed.

(g) Confined Animals. Animals which are normally maintained in aquariums, terrariums, bird cages or similar devices, each of which does not exceed fifty (50) cubic feet and where such devices are maintained within an enclosed building, shall be allowed as an accessory animal raising use. The maximum number or density limitations for these animal types shall comply with public health regulations.

(h) The occupant of the premises on which any livestock is kept shall keep and maintain the animal(s) and premises in such a manner as not to be detrimental to the health, safety or welfare of any person on any adjoining property or of the general public, nor be materially detrimental to the use, enjoyment or value of property of other persons in the vicinity of the premises. Such maintenance shall be at least sufficient to keep dust, odors and flies from having an adverse effect on any other property. The following techniques are recommended to meet the maintenance standard specified by this section and shall be utilized if no other alternative techniques sufficient to meet that standard are utilized.

(1) Sprinkler system or other control methods adequate to control dust in corrals, turn out areas, and riding rings shall be installed and utilized as necessary on the premises.

(2) Lime, sand or other appropriate materials shall be utilized on the premises to eliminate odor problems.

(3) Chemical spray and/or bait and other approved measures to control flies shall be utilized as frequently as necessary for vector control.

(i) Any and all contiguous parcels which are included in calculating maximum animal densities shall be merged into one legal parcel.

(j) Livestock keeping areas shall be maintained in a clean and sanitary condition at all times.

(k) Standing surface water, refuse and manure shall not be permitted to accumulate in piles that are not able to dry out. In all cases of livestock keeping, manure shall be spread to dry daily and shall not be allowed to accumulate to create a nuisance to surrounding properties.

(l) Other sections of this chapter notwithstanding, no person shall keep or permit to remain on any premises within the Town any animal that habitually disturbs the peace and quiet of the inhabitants of a neighborhood by howling, barking, crying, baying or making other noise.

(m) Buildings housing farm animals, all animal enclosures, and all pasture areas shall be maintained free from litter, garbage and the accumulation of weeds or manure. Premises shall be maintained in a neat and sanitary manner. All animal raising shall comply with public health laws regarding proper care of animals. If animals are not maintained in compliance with these standards or are otherwise allowed to become a nuisance, the Town shall initiate enforcement proceedings.

(n) Commercial Animal Keeping. Commercial animal keeping for equine and other large animals is permitted within all single family residential land use districts subject to the standards and provisions as identified in the Development Code. Commercial uses include, but shall not be limited to, boarding, training, breeding and other similar uses related to the keeping of equine and other large animals which do not belong to the property owner or lessee and for those similar uses which generate additional traffic, noise and similar or associated

impacts within the vicinity of the proposed site.

(1) The densities established for commercial animal keeping shall be the same as those densities for those single family residential land use districts located within the Livestock Overlay District map, as accessory to the residential use.

(2) Minimum Parcel Size. One acre is established as the minimum parcel size for the commercial keeping of large animals, except for buffalo, bulls and boars. A minimum of five (5) acres is required for the keeping of buffalo, bulls and boars.

(o) Required Permits. Prior to the establishment of any commercial livestock keeping activity, the property owner or lessee shall first obtain a Livestock Permit from the Community Development Department. The Livestock Permit shall follow the application and review process as required for Home Occupation/Cottage Industry Permit.

(p) Allowed accessory small animal raising in residential districts.

Animal Type	Single Residential (RS)	Multi-family Residential (RM)	Rural Living (RL) & Hillside Reserve (R-HR)
Dogs/cats	< 7200 sf. 2 dogs & 2 cats/lot 7200 sf. 3 dogs & 3 cats/lot 10000 sf. 4 dogs & 4 cats/lot 20000 sf. *5 dogs & 5 cats/lot * Five (5) or more dogs and cats require a Special Use Permit (SUP).	2 animals allowed (1 dog / 1 cat, 2 dogs, 2 cats) More dogs and/or cats requires a Special Use Permit (SUP)	< 2 Acres RS standards apply > 2 Acres 1 ea. addnl. 20,000 sf. (Max. 8) More dogs or cats require a Special Use Permit (SUP)
Pot-bellied pigs	< 20,000 sq.ft. 1 allowed in lieu of 1 dog >20,000 sq.ft. 2 allowed in lieu of 2 dogs (Female or neutered male only)	Not allowed	2 per first acre* 1 ea. addnl. acre (Max. 8) * If the parcel contains less than one acre, the RS standards shall apply.
Fowl/Rabbits	10 fowl for first 20,000 sq. ft. 5 fowl for ea. addnl. 10,000 sq. ft. (Max. 25 fowl) 5 rabbits per 20,000 sq.ft. min. 2 rabbits for ea. addnl. 10,000 sq. ft. (max. 10 rabbits)	No fowl allowed Max. 2 rabbits	10 fowl for first 20,000 s. f. 5 fowl for ea. addnl. 10,000 sq. ft. (Max. 25 fowl) 5 rabbits per 20,000 sf. 2 rabbits for ea. addnl. 10,000 sq. ft. (Max. 40 rabbits)
Male Fowl	1 per 20,000 sq.ft. min. (max. 2)	Not allowed	1 per first 20,000 sq.ft.. (Max. 2)

(q) Allowed accessory large animal raising in single family residential districts not included within large animal overlay district.

Animal Type	Minimum Parcel Size	Maximum Density Or Number
(4) Sheep and/or goat (female)	7,200 sq. ft. 7,200 sq. ft.	1/lot 1/5,000 sq. ft.
Goat (male)	20,000 sq. ft.	1/lot

(Cumulative total of sheep and goats is 9 per lot.)

(5)	Equine	20,000 sq. ft. with 60 ft. minimum frontage	1/10,000 sq. ft. Maximum 9
(Cumulative total of all large domesticated animals is 9 per lot.)			
(6)	Cattle	20,000 sq. ft. with 60 ft. minimum frontage	1/10,000 sq. ft. Maximum 9
(7)	Llamas and camelids	20,000 sq. ft.	1/10,000 sq. ft. Maximum 9
(8)	<u>Emus and Ostriches</u>	<u>1 acre. Min. in RL & R-HR</u>	<u>2 pair per acre or 1 male, 3 females. Max. 4 on first acre. 2 addnl. for every 10,000 sf after first acre. Max. 9 without Over 9 requires Livestock Permit.</u>

(r) Animals Not Classified. Any animal not specifically classified within this chapter shall be classified by the Director based upon a determination of what it is most similar to and as to the probable impact on the health, safety or general welfare of the community and the neighborhood."

84.0570 Large Animal Overlay District

(a) A person may keep or maintain livestock as identified in this chapter on any parcel zoned for single family residential purposes only as specifically authorized by the provisions of this chapter and as identified on the Livestock Overlay District Map, subject to the following parcel size restrictions.

<u>Livestock</u>	<u>Minimum Parcel Size</u>
Equine	20,000 square feet
Sheep	7,200 square feet
Goats	7,200 square feet
Billy goat (male breeding goat)	20,000 square feet
Cattle	20,000 square feet
Bulls (Special Permit)	5 acres
Buffalo (Special Permit)	

required)	5 acres
Pig	1 acre
Boar (Special Permit)	5 acres
Emus & Ostriches	1 acre
Llamas & Camelids	20,000 square feet

(b) Livestock Permitted. The following types of livestock are allowed within the single family residential land use districts as identified within the Livestock Overlay District Map. Equine, cattle, buffalo, pigs, sheep, goats (female and neutered males), billy goats (male breeding goats), emus, ostriches, and llamas and camelids may be allowed under the provisions of this chapter.

(c) The following animal densities are established for those single family residential land use districts located within the Livestock Overlay District, as accessory to the residential use. The following density standards apply to properties within the Livestock Overlay District map. Where a density ratio of animals per lot area is specified, the lot area or portion thereof shall be allocated only once to accessory animal raising use. Lot area used to qualify one animal type shall not be reused to allow another animal type.

<u>Livestock Type</u>	<u>Livestock Densities</u>	<u>Maximum Number of non-exempted animals without livestock permit</u>
Equine	4 equine on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	23
Sheep	6 animals on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	12
Goats	6 animals on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	12
Billy goats (male)	1 animal on the first	3

breeding goats)	20,000 square feet, 1 additional animal for each additional 10,000 square feet	
Cattle	4 animals per 20,000 square feet, 1 additional animal for each additional 10,000 square feet	23
Bulls (Special Permit required)	4 animals on minimum 5 acres, with no additional animals allowed	4
Buffalo (Special Permit required)	2 animals per 5 acres, 1 additional animal for each additional 5 acres	2
Pigs	1 animal per 1 acre, 1 additional animal for each additional 10,000 square feet	4
Boars (Special Permit)	4 animals per 5 acres, with no additional animals allowed unless approved under Special Permit	4
Llamas and camelids	4 animals per 20,000 square feet, 1 additional animal for each additional 10,000 square feet	23
<u>Emus and Ostriches</u>	<u>1 acre Min. in RL & R-HR</u>	<u>2 pair per acre or 1 male, 3 females. Max. 4 on first acre. 2 addnl. for every 10,000 sf after first acre</u> <u>Max. 28 without permit. Over 28 requires Livestock Permit.</u>

(d) Exempted Animals. Offspring of allowed adult animals shall not be counted in determining the number of adult animals on a given parcel, if such offspring do not exceed the following age limitations for accessory and commercial animal keeping.

(1) Accessory and Commercial Animal Keeping

Equine

12 calendar months

Sheep	60 days
Goats	60 days
Bovine	6 months, 300 pounds
Buffalo	6 months
Swine	60 days
Llama/Camelid	12 months

(2) Offspring of nonpermitted adult animals shall be counted as adult animals, notwithstanding their age at any particular time.

(3) The total number of offspring shall not exceed fifty percent (50%) of the number of adult animals maintained on the parcel(s) unless authorized by approval of a discretionary Livestock Permit.”

SECTION 2. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 3. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 2nd day of April, 1998.



 MAYOR

ATTEST:

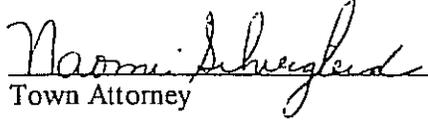


 TOWN CLERK

Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Town Attorney


Town Manager

FACOMMOMORDINANCDCOA0897.TC
March 13, 1998

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

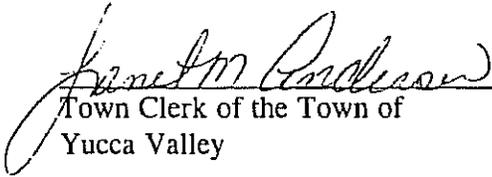
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the Town Council on the 19th day of March, 1998, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 2nd day of April, 1998, by the following vote, to wit:

- Ayes: Council Members Hockett, Leone, and Loveless
- Noes: Council Member Crouter and Mayor Hunt
- Absent: None
- Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 6th day of April, 1998.

(SEAL)



 Town Clerk of the Town of
 Yucca Valley

PUBLIC CONVENIENCE or NECESSITY INFORMATION FORM

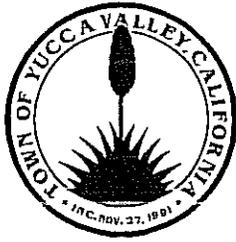
According to the Department of Alcoholic Beverage Control (ABC), you have applied for a license to sell alcoholic beverages at a premise that is located in an area where there is an over-concentration of alcoholic beverage licenses and/or higher than average crime rate. Therefore, ABC may deny your application unless the Town of Yucca Valley makes a determination that public convenience or necessity will be served by your proposed project.

To assist the Town of Yucca Valley in making this determination, the applicant must complete the attached application form as well as provide a **typed detailed letter** stating how public convenience or necessity would be served by issuance of the applied license. This letter should include, but not limited to, the following:

1. Describe how the issuance of the license and/or operation of the business **will not** contribute to or aggravate an existing crime problem in the area.
2. Describe how your business will provide products and/or services that are different and unique to the area that existing businesses selling alcohol within the immediate area do not provide.
3. Attach any documentation regarding over-concentration you received from ABC.

Filing Fee: See Attached Fee Schedule. The filing fee is required at the time the request is submitted to the Town. Should the request be denied, no refund will be given.

Once an application is submitted and deemed complete, Planning staff will forward the request to the Sheriff=s Department for crime statistics and the finding that the proposal will not contribute or aggravate an existing crime problem in the area. This process generally takes 2 to 4 weeks. Upon the determination of public convenience or necessity, a letter will be sent to ABC with a copy to the applicant.



Date Received	_____
By	_____
Fee	_____
Case #	_____

PUBLIC CONVENIENCE or NECESSITY

(Print Legibly)

Applicant _____ Phone _____

Address: _____

City _____ State _____ Zip _____

Name of Business _____ Phone _____

Business Address _____

City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address: _____ City _____ State _____ Zip _____

Assessor=s Parcel Number (s) _____

Square-Footage of Business _____

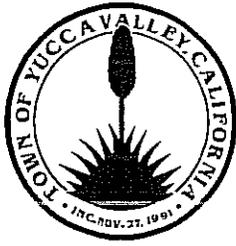
Percent (%) of Overall Sales Related to Alcohol _____

Existing Land Use _____

Attach a typed detail letter and any documentation regarding over-concentration you have received from ABC.

Applicant's Signature _____ Date _____

**Town of Yucca Valley
Community Development/Public Works Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084**



Date Received _____
By _____
Fee _____
Case # _____

SPECIAL LICENSE PERMIT

MASSAGE ESTABLISHMENT & SERVICES/ OUTCALL MASSAGE

APPLICATION FOR: (CHECK ALL THAT APPLY)

- MESSAGE ESTABLISHMENT OUTCALL MASSAGE ENDORSEMENT
 MESSAGE TECHNICIAN NEW RENEWAL

NAME OF MASSAGE ESTABLISHMENT _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
PHONE NUMBER(S) _____

APPLICANT NAME _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
PHONE NUMBER _____
NICKNAMES/ALIASES _____

ADDRESSES IMMEDIATELY PRIOR TO PRESENT ADDRESS OF APPLICANT

1. ADDRESS _____ CITY _____ STATE _____ ZIP _____
2. ADDRESS _____ CITY _____ STATE _____ ZIP _____

DATE OF BIRTH _____ DRIVERS LIC. # _____
SOCIAL SECURITY # _____
WEIGHT _____ HEIGHT _____ HAIR _____ EYES _____ SEX _____

NAME OF SCHOOL ATTENDED _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
DATES OF ATTENDANCE _____

(PROVIDE COPY OF DIPLOMA OR CERTIFICATE OF GRADUATION AND COPY OF TRANSCRIPTS)

**Town of Yucca Valley
Community Development Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0284**

HAVE YOU EVER BEEN CONVICTED OF A FELONY OR MISDEMEANOR?
IF YES, EXPLAIN. (DO NOT INCLUDE MISDEMEANOR TRAFFIC VIOLATIONS)

REFERENCES OF CHARACTER (AT LEAST FIVE, OTHER THAN RELATIVES)

NAME	ADDRESS
1.	<hr/>
2.	<hr/>
3.	<hr/>
4.	<hr/>
5.	<hr/>

FOR MASSAGE ESTABLISHMENTS:

PLEASE NOTE: A FIELD INVESTIGATION FEE OF \$115.50 MAY APPLY IF, UPON INSPECTION BY THE PLANNING DIVISION ISSUES ARISE THAT REQUIRE INSPECTION BY THE BUILDING AND SAFETY DIVISION.

UNDER PENALTY OF PERJURY, I DECLARE THAT ALL INFORMATION ON THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE AND BELIEVE TRUE AND CORRECT STATEMENT OF FACT. I UNDERSTAND THAT IN ADDITION TO OBTAINING A PERMIT/ LICENSE, I MUST COMPLY WITH ALL OTHER CITY, COUNTY, STATE AND FEDERAL LAWS, REGULATIONS AND ORDINANCES. NOTE: THIS APPLICATION DOES NOT CONSTITUTE A LICENSE. THE APPLICATION WILL BE REVIEWED AND DETERMINATION WILL BE BASED UPON PROVIDED INFORMATION. A RENEWAL APPLICATION MUST BE SUBMITTED ANNUALLY.

APPLICANT SIGNATURE _____ DATE _____

ORDINANCE NO. 96

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REENACTING CHAPTER 11 OF DIVISION 1 OF TITLE 4 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO MASSAGE SERVICES AND ESTABLISHMENTS

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED.

Chapter 11 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

“CHAPTER 11: MASSAGE SERVICES AND ESTABLISHMENTS

Sections

- 41.111 Purpose and intent
- 41.112 Definitions
- 41.113 Permit requirements
- 41.114 Exemptions
- 41.115 Application for massage permit
- 41.116 Massage establishment standards
- 41.117 Outcall massage endorsement
- 41.118 Posting of license
- 41.119 Register of employees
- 41.120 Denial of massage permit
- 41.121 Revocation of massage permit
- 41.122 Employment of massagist
- 41.123 Inspection required
- 41.124 Unlawful acts
- 41.125 Appeals
- 41.126 Penalties

41.111 Purpose and Intent. It is the purpose and intent of this chapter to provide for the orderly regulation of massage services and establishments in the Town by establishing certain minimum standards for the education and conduct of this type of business which will protect the public health and welfare of the citizens of the Town.

41.112 Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Health Department" means the Department of Public Health of the County of San Bernardino.

(b) "Massage" means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

(c) " Massage Establishment" means any establishment having a source of income or compensation derived from the practice of massage as defined in this section, and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities as defined in the definition of massage in this section.

(d) "Massagist" means any person who, for any consideration whatsoever, engages in the practice of massage as defined in this section.

(e) "Outcall Massage Service" means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than a massage establishment as defined in this section.

(f) "Patron" means any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

(g) "Permittee" means the person to whom a permit has been issued to act in the capacity of a massagist (masseur or masseuse) as herein defined.

(h) "Person" means any individual, partnership, firm, association, joint stock company, limited liability company, corporation or combination of individuals of whatever form or character.

(I) "Recognized School" means any school or educational institution licensed to do business as a school or educational institution in the state in which it is located, or any school recognized by or approved by or affiliated with the American Massage Therapy Association, Inc. or by a professional association of similar status which has for its purpose, the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study of not less than 100 hours before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

(j) "Sexual or Genital Area means the genitals, pubic area, anus, or perineum of any person, or the vulva or breast of a female.

41.113 Permit Requirements

(a) Massagist's permit required. No person shall practice massage as a massagist, employee or otherwise within the Town of Yucca Valley, unless that person has a valid massagist's permit issued by the Town pursuant to the provisions of this chapter.

41.114 Exemptions. This chapter shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

(a) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the State of California;

(b) Nurses who are registered under the laws of the State of California; and

(c) Barbers, beauticians, manicurists, and pedicurists who are duly licensed under the laws of the State of California except that this exemption shall apply solely to the massaging of the neck, face, scalp, hair, hands or feet of the customer or client for cosmetic or beautifying purposes.

(d) Any state registered athletic trainer who administers such athletic-related massage in the normal course of training duties.

41.115 Application for Massage Permit. Application for a massage permit shall be made to the Town of Yucca Valley Community Development Department accompanied by the annual nonrefundable massage permit fee in such amount as established by resolution of the Town Council. The application shall contain the following:

(a) The name, business address, and all telephone numbers of the massage establishments where the massage is to be practiced;

(b) Name and residence address, and all names, nicknames and aliases by which the applicant has been known, including the two previous addresses immediately prior to the present address of the applicant;

(c) Social Security number, driver's license number, if any, and date of birth;

(d) Applicant's weight, height, color of hair and eyes, and sex;

(e) Written evidence that the applicant is at least 18 years of age;

(f) A complete statement of all convictions of the applicant for any felonies or misdemeanor or violation of a local ordinance, except misdemeanor traffic violations, and full statement of disposition of all such actions;

(g) Fingerprints of the applicant taken within 30 days of the submittal by the Police

Department;

(h) Two front face portrait photographs taken within 30 days of the date of application and at least two inches by two inches in size;

(I) The name and address of the recognized school attended, the dates attended and a copy of the diploma or certificate of graduation awarded the applicant;

(1) A person who is employed as a massagist in the Town on the day this chapter goes into effect or has been so employed for three of the previous six months and who has not graduated from a recognized school, may apply for a temporary permit which shall be valid for six months from the day this chapter goes into effect. The temporary permit may be extended for an additional six months upon a showing that the applicant is actively engaged, enrolled or participating in a course of study leading to graduation at a recognized school. In no event shall any temporary permit be valid after one year after this chapter goes into effect; certification as a massage therapist (MST.) or registered massage therapist (RMT.) shall serve in lieu of education;

(2) Employment shall be established by sworn affidavit from the employer. School enrollment shall be certified by an official of the recognized school;

(j) The massage or similar business history and experience for the ten years prior to the date of application, including but not limited to whether or not such person is previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reasons therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;

(k) The names, current addresses and written statements of at least five bona fide permanent residents of the United States, other than relatives, that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the Town, then the county, then the State of California, and lastly from the rest of the United States;

(l) A medical certificate signed by a physician, licensed to practice in the State of California, within seven days of the date of application. The certificate shall state that the applicant was examined by the certifying physician and that the applicant is free of communicable disease. The additional information required by this division shall be provided at the applicant's expense;

(m) Such other information, identification and physical examination of the person deemed necessary by the Community Development Director in order to discover the truth of the matters herein required to be set forth in the application;

(n) Authorization for the Town, its agents and employees and such other enforcement agencies as may be necessary to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

The Town may request the San Bernardino Department of Health to conduct some or all of the inspections or investigations required herein. The Department of Health is authorized to bill and collect from the applicant reasonable fees for such services and the applicant shall show evidence that such fees have been paid before a license or permit is issued hereunder;

(o) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, such declaration being duly dated and signed in the Town.

41.116 Massage Establishment Standards. No license to conduct a massage establishment shall be issued unless the following standards can be met:

(a) A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment, provided; however, that all such signs comply with the Sign Ordinance.

(b) Minimum lighting shall be provided in accordance with the Uniform Building Code. In addition, at least one (1) unobstructed artificial light of not less than forty (40) watts shall be provided and used at all times in each enclosed room or booth while massage services are being rendered.

(c) Minimum ventilation shall be provided in accordance with the Uniform Building Code.

(d) Instruments used for massage shall be disinfected prior to each use by a reasonable method approved by the San Bernardino Department of Environmental Health. Where such instruments for massage are employed, adequate quantities of supplies for disinfection shall be available during all hours of operation.

(e) Hot and cold running water shall be provided.

(f) Closed cabinets shall be utilized for the storage of clean towels and linen. After use, towels and linens shall be removed from the room or booth and stored in a clean container until laundered.

(g) Dressing and toilet facilities shall be provided for patrons.

(h) All walls, ceilings, floors, steam or vapor rooms, and all other physical facilities for the massage establishment shall be kept in good repair, maintained in a clean and sanitary condition.

(i) Clean and sanitary towels and linens shall be provided for patrons receiving massage services. No common use of towels or lines shall be permitted.

41.117 Outcall Massage Endorsement. A massage permit may be endorsed to authorize a permittee to perform outcall massage if, in addition to meeting all the requirements of Section 41.115 (b) thru (o) of this Chapter, the massagist:

(a) Has completed a course of instruction of not less than 500 hours, conducted at a

school recognized, approved or accredited by the American Massage Therapy Association or by a professional association of similar stature; and

(b) Is currently certified as a massage therapist (M.S.T.) or a registered massage therapist (R.M.T.) by the American Massage Therapy Association or has an equivalent certification.

41.118 Posting of License. Every massagist shall post the permit required by this chapter in his/her work area.

41.119 Register of Employees. The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any time as massagists and their permit numbers. Such register shall be available at the massage establishment to representatives of the Town during regular business hours.

41.120 Denial of Massage Permit. The Community Development Director may deny any permit applied for if he or she determines any of the following:

(a) The permit applicant does not have sufficient massage training or has otherwise failed to fully comply with the application requirements of this chapter;

(b) The business proposed to be conducted would not or does not comply with all applicable laws, including but not limited to the Town's building, zoning, nuisance, and health regulations; or

(c) The permit applicant:

(1) Has knowingly attempted to procure the permit by false statements, representations, or nondisclosure of a material fact when such fact would have been considered good cause for denying the application for such permit; or

(2) Has been convicted of any offense listed in Cal. Gov't Code § 51032 as a permissible basis for denying a permit.

41.121 Revocation of Massage Permit. A massage permit issued by the Town may be revoked by the Community Development Department upon a finding that the massagist has been convicted of any offense which would be cause for denial of a permit upon an original application, or the massagist has made a false statement on an application for a permit, or the massagist has committed an act in violation of this chapter. Such proceedings shall be a duly noticed public hearing conducted by the Community Development Director.

41.122 Employment of Massagist. No person shall employ an individual as a massagist unless such employee has obtained and has in effect a massage permit issued pursuant to this chapter.

41.123 Inspection Required. The Chief of Police or his or her authorized representative shall from time to time make inspection of each massage business establishment for the purpose of

determining that the provisions of this chapter are fully complied with. It shall be unlawful for any person to fail to allow such inspection officer access to the premises or hinder such officer in any manner. Health Department representatives are deemed authorized representatives of the Chief of Police.

41.124 Unlawful Acts

(a) It shall be unlawful for any massagist to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, anus, or perineum of any person, or the vulva or breast of a female.

(b) It shall be unlawful for any massagist to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any massagist or employee, in a massage establishment, to expose the sexual or genital parts, or any portions thereof, of any other person.

(c) It shall be unlawful for any massagist while in the presence of any other person to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.

(d) It shall be further unlawful for any permittee under this chapter to administer massage on an outcall basis as defined in Section 41.112 (e) of this Chapter, unless such permittee's massage permit includes a valid, current outcall massage endorsement. A massagist whose permit does not include an outcall massage endorsement shall administer massage solely within an establishment licensed to carry on such business under this Chapter. Any violation of these provisions shall be deemed grounds for revocation of the permit granted hereunder.

41.125 Appeals. Any affected person may appeal a decision of the Community Development Director to the Town Council. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Director of Community Development shall schedule the matter on the next available possible regular Town Council meeting. The Council may affirm, revise, or modify the action appealed. In ruling on the appeal, the findings and action of the Council shall be final and conclusive in the matter.

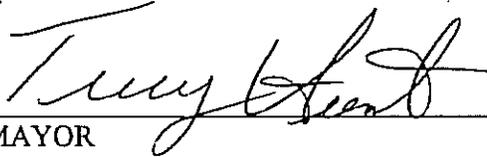
41.126 Penalties. Any person violating or causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor.”

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30)

days from and after the date of its adoption.

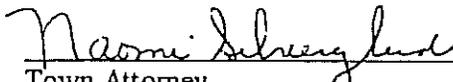
APPROVED AND ADOPTED by the Town Council and signed by the Mayor attested by the Town Clerk this 5th day of October 1998.


MAYOR

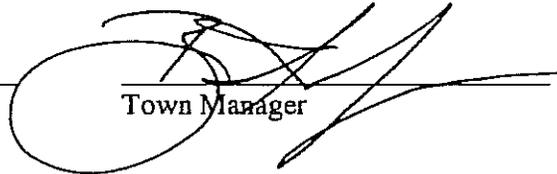
ATTEST:


Town Clerk

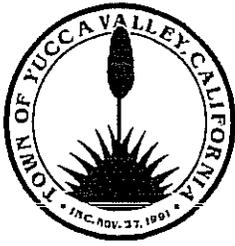
APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

F:\COMMON\COMMON\ORDINANCE\CA0198.WPD
October 15, 1998 TC Mtg



Date Received	_____
By	_____
Fee	_____
Case #	_____

SPECIAL USE PERMIT

- | | |
|--|---|
| <input type="checkbox"/> Exotic Animals | <input type="checkbox"/> Recycling facility (Small) |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Pvt. Kennels/ Sm. Animals |

(Print Legibly)

Applicant _____ Phone _____

Address: _____ City _____ State _____ Zip _____

Contact Person/Representative _____ Phone _____

Address _____ City _____ State _____ Zip _____

Property Owner _____ Phone _____

Address: _____ City _____ State _____ Zip _____

Assessor=s Parcel Number (s) _____

Property Size _____

Existing Land Use _____

Project Description _____

PROPERTY OWNERS LIST - WITH YOUR APPLICATION YOU MUST PROVIDE A LIST (ON LABELS, 33 PER 82 X 11" PAGE) OF ALL PROPERTY OWNERS AND THEIR ADDRESSES WITHIN 300 FEET OF THE EXTERIOR BOUNDARIES OF THE PROPERTY IN QUESTION. THIS LIST WILL BE USED FOR PUBLIC NOTIFICATION (See Attachment "A").

Applicant=s Signature _____ Date _____

**Town of Yucca Valley
Community Development Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084**

INFORMATION REGARDING SPECIAL USE PERMITS

GENERAL PROVISIONS

- (a) The uses described shall be permitted in a land use district, subject to the issuance of a Special Use Permit. Special Use Permits are required to regularly monitor the operation of certain land uses to insure their continued compatibility with the surrounding property.
- (b) Failure to comply with all conditions of this Section shall render the Special Use Permit to be null and void and subject to all enforcement, criminal and civil penalty provisions of this Development Code and all other remedies and penalties provided by law, and are not limited to or superseded by these Sections.
- (c) Special Use Permit applications shall be denied if there are any violations of the Town of Yucca Valley Code Division 3, Chapters 1 through 11 on the property for which the application is filed and appropriate legal action is taken to abate such violations.
- (d) Special Use Permits shall be renewed annually, unless otherwise specified by this chapter and inspections will be conducted by the Code Enforcement Department prior to each annual review.
 - (1) That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setbacks, parking areas and other requirements of the code.
 - (2) The proposed dependent housing unit is clearly subordinate in size, location and appearance to the principle unit.

Submittal Requirements

- 1. Completed Application
- 2. Fees: See attached fee schedule
- 3. 5 sets of plans which include a site plan and a floor plan
- 4. 1 set of mailing labels

84.0620 Bed and Breakfast Uses.

(a) Bed and Breakfast Uses as defined in Division 12 shall be permitted in all residential Land Use Districts and all Land Use Districts where residential uses are permitted.

(b) Requirements.

(1) Only a single family dwelling structure, including habitable accessory structures shall be considered for Bed and Breakfast Uses.

(2) This use shall be conducted as an accessory use only; the residential structure shall serve as the primary residence of the owner. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where the said use is proposed.

(3) All Bed and Breakfast Uses shall be subject to:

(A) Special Use Permit as specified in this Title. The Special Use Permit is renewable annually;

(B) Health Permit as specified in Title 3 of the County Code. The Health Permit is renewable annually; and

(C) Transient Occupancy Tax (bed tax).

(4) Application for a permit shall be made by the resident property owner or his legal agent having power of attorney to make such application.

(5) Where deemed appropriate by the Director of Environmental Health Services Department, owners/operators of Bed and Breakfast Uses shall be required to sign and record a Certificate of Land Use Compliance and abide by the provisions outlined therein.

(c) Findings. Prior to acting upon an application for a Special Use Permit for a Bed and Breakfast Use, the reviewing authority shall find that all the following are true:

(1) That the site upon which the Bed and Breakfast Use is to be established, shall conform to all standards of the Land Use District in which it is located, and that the site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setbacks, parking areas and other applicable requirements of the Code.

(2) That the residential character of the neighborhood in which the use is located shall be maintained and preserved and that the issuance of the permit shall not be significantly detrimental to the public health, safety and welfare or injurious to the vicinity and district in which the use is located.

(d) Conditions.

(1) Structural Features.

(A) All dwelling units proposed for Bed and Breakfast use must comply with standards and specifications of the Uniform Building Code, and shall also be subject to the Room Occupancy Standard outlined in the State Housing Law (as amended).

(B) Each guest room shall be equipped with a fire extinguisher and a smoke detector conforming to Uniform Building Code Standards (UBC No. 43-6), and exit/egress and an emergency evacuation map must be displayed in a prominent location in each guest room.

(2) Accesses and driveways. The owner shall ensure that all required accesses, driveways and parking spaces remain clear and unobstructed, and are available and ready for the occupants' use at all times.

(3) Parking. In addition to the required parking standards for residential uses, one (1) parking stall nineteen (19) feet in length and nine (9) feet in width shall be provided on-site for each guest room. Such additional parking spaces shall comply with the location and design standards established by the applicable Land Use District and the provisions of this Title. Neither on-street parking nor tandem parking shall be used to satisfy this on-site parking requirement. Additional parking spaces may be required when deemed necessary by the reviewing authority.

(4) Design Standards.

(A) A Bed and Breakfast Use shall not be permitted in a dwelling that is located on a site that has less than the applicable lot area specified by the underlying Land Use District.

(B) Alterations and modifications may be made to the structures and the site but such alterations shall be compatible with the character of the neighborhood. Such alterations and modifications shall also comply with all applicable provisions, requirements and standards of the County Code.

(C) Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where such parking is located within the front yard setback.

(D) Any lights used to illuminate the site shall be designed so as to reflect away from adjoining properties and public thoroughfares.

(E) A nonilluminated identification sign, not to exceed six (6) square feet in area is permitted. If not attached to the residence, such sign shall not exceed six (6) feet in height and must blend with the architectural style of the structure and the neighborhood.

(F) No Bed and Breakfast use shall be permitted where more than two such uses currently exist within one thousand (1,000) feet of the perimeter of the proposed site.

(5) Kitchen Facilities.

(A) There shall be no cooking facilities permitted in guest rooms.

(B) The sale of food or other materials is limited to guests who are currently residing on the premises where the use is located and not to the general public.

(6) Records of Patrons. Records of all guests who patronize the Bed and Breakfast establishment shall be preserved for a minimum period of three (3) years before such records are discarded.

(7) Miscellaneous Conditions.

(A) Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.

(B) The use shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.

(C) There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.

(D) The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations.

(E) The uses of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

(e) Penalty for Noncompliance. The reviewing authority may void any Special Use Permit for a Bed and Breakfast Use for noncompliance with the conditions set forth in approving the permit, and shall give notice of such action to the permittee.

(f) Types of Bed and Breakfast Uses. Bed and Breakfast Uses shall be classified into three (3) types:

(1) Host Home (having one [1] or two [2] guest room[s]).

(A) Such use shall not be permitted on a site that is less than five thousand (5,000) square feet of lot area. A minimum lot area of seven thousand two hundred (7,200) square feet is required for host homes with two (2) guest rooms.

(B) Such homes shall have a minimum of two (2) bathrooms.

(2) Bed and Breakfast Home (having three [3] to five [5] guest rooms).

(A) In addition to the Special Use Permit, such use shall be subject to a Conditional Use Permit.

(B) This use shall not be permitted on a site that has less than the net lot area specified below:

No. of Guest Rooms	Minimum Lot Size
3	8,200
4	9,200
5	10,200

(C) Such home shall have a minimum of three (3) bathrooms.

(3) Bed and Breakfast Inn/Lodge having a minimum of six (6) and a maximum of ten (10) guest rooms.

(A) Structures of Historical, Architectural and Cultural significance.

(I) Only residential structures that have been determined to be of historical, architectural or cultural significance by the Planning Commission, or properties which are on the State or National listing of structures of historical significance shall be permitted to be used as a Bed and Breakfast Inn/Lodge.

(II) The Planning Commission may establish Historic and Scenic Preservation Standards and shall review the proposal for a determination of historical, architectural or cultural significance. In making such determination, the Planning Commission shall consider the:

(i) Architecture of the structure noting the history, uniqueness and style of the design;

(ii) Historical and/or cultural value(s) of the property and/or the site;

(iii) Age of the structure and its physical and structural condition.

(III) After such determination, the structure shall be placed on: (1) State lists of Points of Historic Interest and Historic Landmarks, or (2) the National Register of Historic Places.

(B) The Planning Commission may require the preservation and maintenance of significant permanent landscaping features and significant historical, architectural and/or cultural features of the structure and/or property.

(C) A residential building that has been declared a historical structure shall be subject to prealteration inspection by a designated County official prior to application for Bed and Breakfast Use and report of such inspection must accompany the application.

(D) All historical structures proposed for Bed and Breakfast Uses shall comply with all current applicable Uniform Building Code standards, including those regarding historical building and those pertaining to the physical and structural conditions of the building and the site.

(E) In addition to the Special Use Permit, this use shall be subject to a Conditional Use Permit.

(F) This use shall not be permitted on a site that has less than twenty thousand (20,000) square feet of lot area and one thousand (1,000) square feet of additional lot area shall be required for each additional guest room over six (6).

(G) Such home shall have a minimum of four (4) bathrooms. The owner shall provide access for the physically handicapped.

(4) Any use that is the subject to an approved Conditional Use Permit may also be made subject to the issuance of a Special Use Permit.

(5) Special Use Permits may be issued for limited time periods. New applications may be required for Special Use Permit renewal.

(O) One (1) parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by the zone in which the facility is located.

(c) Site Clean-Up Required. The operator and host business of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes which have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for such materials. Upon the failure to remove said materials, the County may deem them to be abandoned and may enter the site to remove the materials. The property owner(s) of the premises and the operator of the facility shall be liable for the full cost of any such clean-up work done by the County.

84.0630 Private Kennels.

(a) The establishment of Private Kennels shall be subject to the following regulations:

(1) Notice shall be given in accordance with Staff Review With Notice procedure.

(2) Any action to approve a request for a private kennel as an established Rural Living Use in a Rural Living Land Use District shall not be effective until written evidence is received by the Director of Environmental Health Services that the applicant has applied for and obtained all required permits from San Bernardino County Public Health Department, Office of Preventive Veterinary Services.

(b) Conditions: Any action to approve a request for a private kennel permit as an accessory use shall include the following conditions:

(1) The establishment of the private kennel must comply with all provisions of San Bernardino County Code, Title 3, Division 2, Chapter 3, Commercial Kennels.

(2) The keeping of the animals must comply with all County Code requirements including but not limited to setbacks from property lines and other dwellings.

(3) A minimum lot size/parcel size of two and one-half (2½) acres per parcel shall be required with a maximum of fifteen (15) dogs per parcel permitted.

(4) Private kennels shall be required to be inspected by the Department of Public Health quarterly. One annual inspection shall be conducted jointly by the Department of Public Health and the Department of Environmental Health Services (DEHS). Written reports from the Department of Public Health must be submitted to DEHS after each quarterly inspection.

(5) Noise shall be attenuated to 55 dBA from the property line.

(6) The permit application may be denied if two (2) or more contiguous property owners submit substantive objection in writing to DEHS.

(7) All direct and indirect glare from the source shall not cause glare upon adjacent property owners.

(8) All fencing shall comply with San Bernardino County Code, Title 3, Division 2, Chapter 3. The special use permit may require the use to be fully screened from adjacent properties.

(9) One sign not to exceed twelve (12) square feet in area stating "Private Kennel" with a twenty-four (24) hour emergency phone number must be posted at all entries to the parcel.

84.0635 Special Uses.

(a) Any use that is the subject of an approved Conditional Use Permit in accordance with the provisions of Division 3 may also be made subject to the issuance of a Special Use Permit.

(b) Special Use Permits issued for limited time periods. New applications may be required for Special Use Permit renewal.

ORDINANCE NO. 128

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 6, SECTION 84.0610 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO EXOTIC ANIMALS AND DIVISION 12 RELATING TO DEFINITIONS. (DCA-04-01)

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. Code Amended

Title 8, Division 12, Section 812.01005 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended to add the following:

“Exotic Animal: Means any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders), class Osteichthyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish), or class Gastropoda (slugs, snails) that are restricted by the State.

Zoo: Means a zoological garden or other collection of exotic animals which are raised, bred, trained and/or maintained for on-site display that is open to the general public, education, tours and exhibition which is accredited by the American Zoo and Aquarium Association (AZA).

Title 8, Division 4, Chapter 6, Section 84.0610 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended to read as follows:

Section 84.0610

84.0610 Exotic Animals.

- (a) The keeping of exotic animals as defined in *Title 8 Division 12 Definitions* shall be permitted as an accessory use to single dwelling unit in accordance with this Code as follows:
- (1) Any exotic animal as defined in *Title 8 Division 12 Definitions* with a State Fish and Game caging requirement of 50 square-feet or less and kept within an enclosed building shall be permitted provided the applicant registers said animal(s) on a form to be provided by the Town’s Animal Control Section. The applicant must provide a copy of the applicant’s State Department of Fish and Game permit for each animal(s) registered.
 - (2) The keeping or maintaining of exotic animals on any property within the Town with a State Department of Fish and Game caging requirement of up to 149 square feet may be permitted as an accessory to a single family dwelling located within the Large Animal Overlay District subject to the provisions of this code. A Special Use Permit is required for the keeping or maintaining of up to two exotic

animals and a Conditional Use Permit is required for the keeping or maintaining of 3 to 4 exotic animals.

- (3) Any exotic animal with a caging requirement of 150 square-feet and greater is prohibited as an accessory use to a single family dwelling, except as a zoo.
- (4) The keeping or maintaining of any exotic animal(s) for on-site display open to the general public shall be permitted subject to the issuance of a Conditional Use Permit by the Planning Commission and the further requirements of this code for the establishment of a zoo.

(b) **Procedures and Requirements for Conditional Use Permit and Special Use Permit.**

- (1) Prior to giving a public hearing notice, the reviewing authority shall request that a Veterinarian that is recognized by the Department of Fish and Game submit a statement regarding the particular animal's mature behavior and personality characteristics specific to the animals being requested.
- (2) Any action to approve a request for an exotic animal shall not be effective until written evidence is received by the Director that the applicant has received a permit from the State Department of Fish and Game.
- (3) A Special Use Permit or Conditional Use Permit for the keeping of an exotic animal shall be noticed in accordance with Section 83.010205 (*Public Hearing*).
- (4) Applicant shall provide any documentation or written notice received from State Department of Fish and Game regarding prior violations and corrective action pertaining to the keeping of the animal(s). Following the application submittal, Planning staff shall send a written letter to the State Department of Fish and Game requesting information on any prior violations and what the corrective measures were.

(c) **General Standards for Conditional Use Permit and Special Use Permit:**

- (1) A person may keep or maintain in their possession or control an exotic animal with a caging requirement ranging from 51 to 149 square-feet on any property within the town on any parcel zoned for single family residential purposes only as specifically authorized by the provisions of this chapter and the site is located within areas identified on the Town adopted *Large Animal Overlay District Map*.
- (2) The keeping of the animal(s) must comply with all setback requirements of *Section 84.0560(d)(1)(B) (Accessory Large Animal Keeping)*.
- (3) The keeping of exotic animals as allowed by this Code shall be subject to the following parcel size and density restrictions:

Min. State Fish & Game Caging Req. **Minimum Parcel Size/Density**

Animals which are normally maintained in aquariums, terrariums, bird cages or similar devices, each of which does not exceed a floor area of fifty (50) square-feet and where such devices/cages are maintained within an enclosed building. None

Requires a floor area of 50 sq. ft. or less per animal which are not maintained within an enclosed building. 1 per 10,000 sq. ft.
Maximum of 4

Requires a floor area between 51 sq. ft. and 99 sq. ft. per animal which are not maintained within an enclosed building 1 per 20,000 sq. ft.
Maximum of 4

Requires a floor area between 100 sq. ft and 149 sq. ft. per animal which are not maintained within an enclosed building. 1 acre minimum. 20,000 sq. ft.
for every additional animal.
Maximum of 4

(4) If the permit being requested from the Department of Fish and Game is an Exhibiting Permit that includes public on-site display of the animal(s), the following provisions shall apply:

- (A) A minimum parcel size of 20 acres shall be required for a facility that proposes any public on-site display of the animal(s).
- (B) Visitor parking shall be provided in accordance with the *Parking Code*.
- (C) Permanent restroom facilities shall be provided in accordance with the *Uniform Building Code (U.B.C)* and San Bernardino County Health Department requirements.
- (D) All appropriate off-site improvements including access to the facility must be in existence or be constructed prior to the housing of any animal.
- (E) The facility shall be accredited by the American Zoo and Aquarium Association (AZA).
- (F) Any applicant proposing a zoo facility within a residential land use district or on a site that abuts a residential land use district shall include with the application written consent to the approval of the zoo facility dated within ninety days prior to the filing of such application from each owner(s) of property within 1,325 feet of the lot on which the facility is proposed.

(d) **General Conditions for Conditional Use Permit and Special Use Permit.** Any action to approve a request for an exotic animal shall include the following conditions in addition to any conditions deemed appropriate by the reviewing authority:

- (1) The keeping of the animal must comply with all Town Code requirements including setbacks from property lines and other dwellings.
- (2) The keeping/caging of the animal must comply with all applicable Federal and State requirements.

- (3) Each animal must have sufficient area to be maintained and exercised in a normal healthy manner as determined by the State Department of Fish and Game.
- (4) Each permit shall specify the annual renewal period and inspection requirements. Permits for any animal shall be issued for a period not to exceed twelve (12) months.
- (5) The applicant agrees to allow reasonable inspection of the property by Animal Control staff and/or designee to ensure compliance with the Conditions of Approval. Inspections shall include, at a minimum, one inspection per year following approval of the permit and at each renewal. At such time the applicant shall provide Animal Control written documentation/ records from a qualified veterinarian that the animal(s) are being properly cared for.
- (6) Upon the renewal of the permit and inspection, the applicant shall supply written documentation from the State Department of Fish and Game that the facility and the keeping of the animals is in compliance with all Federal and State requirements.
- (7) The applicant obtains a permit from the State Department of Fish and Game.
- (8) All cages shall be constructed by a licensed contractor and shall provide certification that the cages were constructed and installed in accordance with the approved plans and all State and/or Federal caging requirements.
- (9) The area where the animals are to be kept shall be screened from public view.
- (10) The applicant/owner shall agree to defend, indemnify, and hold harmless the Town, its agents, officers, or employees from any claim, action, or proceeding against the Town or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Town an advisory agency, appeal board or legislative body concerning the permit or any other action relating to or arising out of such approval.

Any condition of approval imposed pursuant to the provisions of this condition shall include a requirement that the Town promptly notify the applicant of any claim, action, or proceeding and that the Town cooperate fully in the defense. If the Town fails to promptly notify the applicant of any claim, action, or proceeding, or if the Town fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the Town harmless.

If any provisions of this condition is found invalid by a court of law, the remaining provision of this condition shall remain in full force and effect.

- (11) The occupant of the premises on which the exotic animal is kept shall keep and maintain the animal(s) and the premises in such a manner as not to be detrimental to the health, safety or welfare of any person on any adjoining property or of the

general public. Such maintenance shall be at least sufficient to keep dust, odor, and flies from having an adverse effect on any other property.

- (12) Immediate notification shall be given to the Department of Fish and Game, San Bernardino County Sheriff Department, and Town of Yucca Valley Animal Control in the event the animal(s) escape from the premises.
 - (13) Prior to occupancy of the site by any exotic animal, the applicant shall develop a comprehensive emergency plan for State Department of Fish and Game, local police and Animal Control for review and approval. This comprehensive plan of action shall be developed to address the following situations:
 - (A) Damaged to the enclosures. Temporary holding facilities shall be identified. Necessary mechanisms to safely transport the animal(s) to another holding enclosure shall be on hand.
 - (B) Animal attacking and/or injuring humans: include a list of safety equipment that will be available for use.
 - (C) Escape of animal from its enclosure: recapture plans shall outline the procedures for handling and recapture of the escaped animal(s), equipment to be used, people to be contacted, various restraint methods, including conditions which warrant the use of lethal force.
 - (14) Prior notification of inspection is not required if Town Animal Control staff has reason to believe the health and safety of the public or the animal is in danger if there is a delay.
 - (15) Any excessively disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animals is kept or harbored shall be considered a nuisance.
 - (16) Prior to occupancy of the site with any exotic animal as approved under a SUP or CUP, the applicant shall provide proof of their ability to respond in damages to and including the amount of one hundred thousand dollars (\$100,000.00) by obtaining a policy of insurance coverage in said amount for bodily injury or death of any person(s) or for damage to property owned by any other person which may result from the ownership, keeping or maintaining of an exotic animal(s). Proof of liability shall be provided as required by this ordinance in a form approved by the Town Attorney, a certificate of insurance issued by a solvent corporation authorized to issue bonds under the laws of the State. Such certificate of insurance or bond shall be provided that no cancellation of the insurance or bonds will be made unless thirty (30) days written notice is first given to the Town Community Development Planning Section.
- (e) **Findings for Conditional Use Permit and Special Use Permit:** Prior to taking action to approve a Special Use Permit or Conditional Use Permit for any exotic animal(s), the reviewing authority shall find and justify that all of the following are true:
- (1) That the impacts which could result from the keeping of exotic animal(s), and the proposed location, size, design and operating characteristics of the animal and/or

use, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan;

- (2) Adequate safeguards have been established and will be maintained that effectively control all dangerous or vicious propensities of such animals;
 - (3) That the proposed animal keeping will comply with each of the applicable provisions of the Development Code, and applicable Town policies, except approved variances and State and Federal requirements;
 - (4) That the location of the animal keeping area and any proposed structures and improvements are compatible with the site's natural landform, surrounding sites, and structures.
 - (5) That the proposed animal keeping will not create such an attractive nuisance by nature of its existence that it would draw undue attention to the activity by an increase in foot or vehicular traffic to the surrounding neighborhood or might entice the general public onto the property.
- (f) **Revocation of Permit:** A Conditional Use Permit or Special Use Permit may be revoked by the Town Council if any one of the following findings can be made:
- (1) That the permit was obtained by misrepresentation or fraud.
 - (2) That the use for which the permit was granted has ceased or has been suspended for six or more consecutive months.
 - (3) That the use is in violation of one or more of the Conditions of Approval.
 - (4) That the use is in violation of any State or Federal requirement."

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

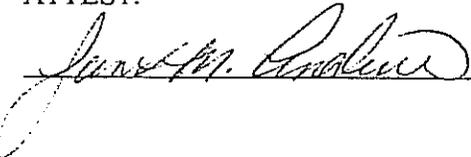
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 18th day of April, 2002.



MAYOR

ATTEST:

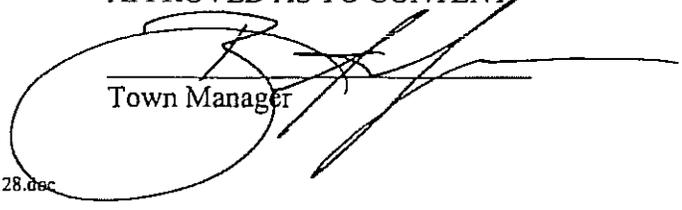


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

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STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 128 was duly and regularly introduced at a meeting of the Town Council on the 4th day of April, 2002, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 18th day of April, 2002, by the following vote, to wit:

Ayes: Council Members Cook, Earnest, Leone, Scott and Mayor Neeb

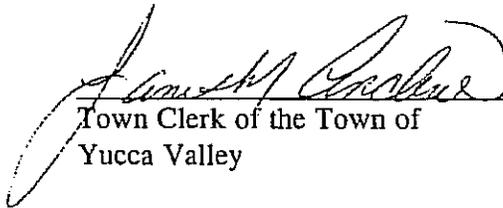
Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 22nd day of April, 2002.

(SEAL)


Town Clerk of the Town of
Yucca Valley

RESOLUTION NO. 04-38, ADOPTED 09/02/04
 *ADJUSTED BY ADMINISTRATIVE ACTION 02/10/2006
TOWN OF YUCCA VALLEY
PLANNING DEPARTMENT FEE SCHEDULE

<u>APPLICATION TYPE</u>	<u>FEE</u>	<u>APPLICATION TYPE</u>	<u>FEE</u>
Appeals		Land Use Compliance Review	\$840 deposit
Appeals to Planning Commission	\$720 deposit	Lot Line Adjustment	\$1,075 deposit
Appeals to Town Council	\$845 deposit	Livestock Permit	\$220
Certificate of Compliance	\$875 deposit	Lot Merger	\$870 deposit
Commercial Vehicle Parking Permit	\$95	Massage Services	
Conditional Use Permit		Massage Establishment Per Year	\$133
To 5.0 acres	\$4,485 deposit *	Masseur/Masseuse Per Year	\$55
Over 5.0 acres	\$4,835 deposit *	Outcall Endorsement	\$133
Time Extensions	1/2 of filing fee paid deposit	Outcall Renewal	\$55
Change of Existing Building	\$2,765 deposit *	Temporary License	\$55
Design Guidelines / Color Consistency	\$0	Native Plant Permit	\$0
Development Agreement (+ Attorney Fees)	\$3,525 deposit	Parcel Map	
Development Code Amendment	\$2,470 deposit	Parcel Map	\$2,350 + \$30 per lot deposit
Development Code Interpretation	\$520	Parcel Map - Amendment	\$2,348 deposit
Environmental		Parcel Map - Revision	\$2,348 deposit
EIR Processing and Review	Actual Cost + 10% Admin. deposit	Parcel Map - Time Extension	\$1,700 deposit
Environmental Assessment	\$925 deposit	Parcel Map - Reversion to Acreage	\$1,658 deposit
Mitigation Monitoring	Actual Costs deposit	Planned Development	
Film Permit	\$145	Filed Concurrently with Tentative Map	
General Plan Amendment	\$3,145 deposit	1 - 10 acres	\$1,395 deposit
General Plan Amendment & Zone Change	\$4,100 deposit	10.1 - 20 acres	\$1,685 deposit
Home Occupation Permit	\$270	Over 20 acres	\$2,010 deposit
Home Occupation Permit Renewal	\$125	Not Concurrently with Tentative Map	
Landscape & Irrigation Plan Review	\$685	1 - 10 acres	\$3,050 deposit
		10.1 - 20 acres	\$3,645 deposit
		Over 20 acres	\$4,590 deposit
		Pre-Application	\$1,535 deposit *
		Public Convenience or Necessity	\$110

RESOLUTION NO. 04-38, ADOPTED 09/02/04
 *ADJUSTED BY ADMINISTRATIVE ACTION 02/10/2006
TOWN OF YUCCA VALLEY
PLANNING DEPARTMENT FEE SCHEDULE

Exotic Animals \$455
 Private Kennels/Small Animals \$315

APPLICATION TYPE

FEE

FEE

Signs		
Single Sign	\$55	
Multiple Signs	\$110	
Sign Criteria	\$320	
Landmark Sign	\$785	
Design Merit	\$785	
Temporary Signs	\$80	
Political Signs	\$0	
Site Plan Review		
To 5.0 acres	\$4,410 deposit *	\$3,110 deposit + \$40 per lot deposit
Over 5.0 acres	\$4,795 deposit *	50% of original deposit
Amendment	\$1/2 of filing fee paid deposit	50% of original deposit
Time Extensions	\$610 deposit	\$1,240 deposit
Special Events		
Parade/Run or Bike Race	\$110	
Parking Lot/Sidewalk Sale	\$55	
Carnival/Festival/Circus/Fair	\$80	
Special License Permit		
Junk Dealer	\$194	
Junk Dealer Renewal	\$55	
Pawnbroker	\$194	
Pawnbroker Renewal	\$55	
Salvage Collector	\$110	
Secondhand Dealer	\$110	
Peddling, Hawking, Solicitor	\$110	
Taxi Cabs	\$50/cab/year	
Special Use Permit		
Bed & Breakfast	\$590	
Recycling Facility (small)	\$695	
Specific Plans		
Specific Plan		\$9,360 deposit
Specific Plan Amendment		\$6,700 deposit
Street Name Change		\$260
Temporary Use Permit		\$295
Tracts		
Tentative Tract Map Base Fee		\$3,110 deposit + \$40 per lot deposit
Tentative Tract - Amendment		50% of original deposit
Tract Map - Amended (after recordation)		50% of original deposit
Tentative Tract Map - Time Extension		\$1,240 deposit
Variance		
Minor		\$644 deposit
Major		\$865 deposit
Wall Mural		\$280
Zone Change		\$3,145 deposit

Senate Bill No. 731

CHAPTER 384

An act to add and repeal Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code, relating to massage therapy.

[Approved by Governor September 27, 2008. Filed with Secretary of State September 27, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 731, Oropeza. Massage therapy.

Existing law provides for the regulation of various healing arts professionals, including physicians and surgeons, chiropractors, physical therapists, and acupuncturists. Existing law authorizes the legislative body of a city or county to enact ordinances providing for the licensing and regulation of the business of massage when carried on within the city or county.

This bill would, commencing September 1, 2009, provide for the certification of massage practitioners and massage therapists by the Massage Therapy Organization, which would be a nonprofit organization meeting specified requirements, and would impose certain duties on the organization. The bill would require applicants for certification to be 18 years of age or older, to meet specified educational criteria, to provide to the organization and update certain information, to provide fingerprints for submission to the Department of Justice for a criminal background check, and to pay fees required by the organization. The bill would require the Department of Justice to review specified information and to provide to the organization fitness determinations and certain other information. The bill would allow the organization to take certain disciplinary action against certificate holders and would require the organization to take certain action with regard to suspending or revoking a certificate if the certificate holder has been arrested for, and charged with, specified crimes. The bill would make it an unfair business practice for a person to state, advertise, or represent that he or she is certified or licensed by a governmental agency as a massage therapist or practitioner, or to make other false representations, as specified. The bill would prohibit a city, county, or city and county from enacting certain ordinances regulating the practice of massage by a certificate holder, as specified. The bill would make its provisions subject to review by the Joint Committee on Boards, Commissions, and Consumer Protection. The bill would repeal these provisions on January 1, 2016.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of this act to create a voluntary certification for the massage therapy profession that will enable consumers to easily identify credible certified massage therapists; assure that certified massage therapists have completed sufficient training at approved schools; phase in increased education and training standards consistent with other states; assure that massage therapy can no longer be used as a subterfuge to violate subdivision (a) or (b) of Section 647 of the Penal Code; and to provide a self-funded nonprofit oversight body to approve certification and education requirements for massage therapists.

SEC. 2. Chapter 10.5 (commencing with Section 4600) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 10.5. MASSAGE THERAPISTS

4600. As used in this chapter, the following terms shall have the following meanings:

(a) "Approved school" or "approved massage school" means a facility that meets minimum standards for training and curriculum in massage and related subjects and that is approved by any of the following:

(1) The Bureau for Private Postsecondary and Vocational Education pursuant to former Section 94739 of the Education Code prior to July 1, 2007, and as of the date on which an applicant met the requirements of paragraph (2) of subdivision (b) or subparagraph (A) of paragraph (2) of subdivision (c) of Section 4601.

(2) The Department of Consumer Affairs.

(3) An institution accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(A) A public institution.

(B) An institution incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(C) A for-profit institution.

(D) An institution that does not meet all of the criteria in subparagraph (B) that is incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, that has been in continuous operation since April 15, 1997, and that is not managed by any entity for profit.

(4) A college or university of the state higher education system, as defined in Section 100850 of the Education Code.

(5) A school of equal or greater training that is approved by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

(b) "Compensation" means the payment, loan, advance, donation, contribution, deposit, or gift of money or anything of value.

(c) "Massage therapist," "bodyworker," "bodywork therapist," or "massage and bodywork therapist" means a person who is certified by the Massage Therapy Organization under subdivision (c) of Section 4601 and who administers massage for compensation.

(d) "Massage practitioner," "bodywork practitioner," or "massage and bodywork practitioner" means a person who is certified by the Massage Therapy Organization under subdivision (b) of Section 4601 and who administers massage for compensation.

(e) "Organization" means the Massage Therapy Organization created pursuant to this chapter, which shall be a nonprofit organization exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code. The organization may commence activities as authorized by this section once it has submitted a request to the Internal Revenue Service seeking this exemption.

(f) "Registered school" means a facility that meets minimum standards for training and curriculum in massage and related subjects and that either was recognized by the Bureau for Private Postsecondary and Vocational Education pursuant to Section 94931 of the Education Code prior to July 1, 2007, and as of the date on which an applicant met the requirements of paragraph (2) of subdivision (b) or subparagraph (A) of paragraph (2) of subdivision (c) of Section 4601, or is recognized by the Department of Consumer Affairs, by an institution accredited by the senior commission or the junior commission of the Western Association of Schools and Colleges as defined in paragraph (2) of subdivision (a) of Section 4600, by a college or university of the state higher education system as defined in Section 100850 of the Education Code, or by a school of equal or greater training that is approved by the corresponding agency in another state.

(g) For purposes of this chapter, the terms "massage" and "bodywork" shall have the same meaning.

4600.5. (a) A Massage Therapy Organization, as defined in subdivision (e) of Section 4600, shall be created and shall have the responsibilities and duties set forth in this chapter. The organization may take any reasonable actions to carry out the responsibilities and duties set forth in this chapter, including, but not limited to, hiring staff and entering into contracts.

(b) (1) The organization shall be governed by a board of directors made up of two representatives selected by each professional society, association, or other entity, whose membership is comprised of massage therapists and that chooses to participate in the organization. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals for the last three years, and shall have bylaws that require its members to comply with a code of ethics. The board of directors shall also include each of the following persons:

(A) One member selected by each statewide association of private postsecondary schools incorporated on or before January 1, 2010, whose member schools have together had at least 1,000 graduates in each of the previous three years from massage therapy programs meeting the approval standards set forth in subdivision (a) of Section 4600, except from those qualifying associations that choose not to exercise this right of selection.

(B) One member selected by the League of California Cities, unless that entity chooses not to exercise this right of selection.

(C) One member selected by the California State Association of Counties, unless that entity chooses not to exercise this right of selection.

(D) One member selected by the Director of Consumer Affairs, unless that entity chooses not to exercise this right of selection.

(E) One member appointed by the California Community College Chancellor's Office, unless that entity chooses not to exercise this right of selection. The person appointed, if any, shall not be part of any massage therapy certificate or degree program.

The organization's bylaws shall establish a process for appointing other professional directors as determined by the board.

(2) The initial board of directors shall establish the organization, initiate the request for tax-exempt status from the Internal Revenue Service, and solicit input from the massage community concerning the operations of the organization. The initial board of directors, in its discretion, may immediately undertake to issue the certificates authorized by this chapter after adopting the necessary bylaws or other rules, or may establish by adoption of bylaws the permanent governing structure prior to issuing certificates.

(c) The board of directors shall establish fees reasonably related to the cost of providing services and carrying out its ongoing responsibilities and duties. Initial and renewal fees shall be established by the board of directors annually.

(d) The meetings of the organization shall be subject to the rules of the Bagley-Keene Open Meetings Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

4601. (a) The organization shall issue a certificate under this chapter to an applicant who satisfies the requirements of this chapter.

(b) (1) In order to obtain certification as a massage practitioner, an applicant shall submit a written application and provide the organization with satisfactory evidence that he or she meets all of the following requirements:

(A) The applicant is 18 years of age or older.

(B) The applicant has successfully completed, at a single approved school, curricula in massage and related subjects totaling a minimum of 250 hours that incorporates appropriate school assessment of student knowledge and skills. Included in the hours shall be instruction addressing anatomy and physiology, contraindications, health and hygiene, and business and ethics, with at least 100 hours of the required minimum 250 hours devoted to these curriculum areas.

(C) All fees required by the organization have been paid.

(2) New certificates shall not be issued pursuant to this subdivision after December 31, 2015. Certificates issued pursuant to this section or subdivision (a) or (c) of Section 4604 on or before December 31, 2015, shall, after December 31, 2015, be renewed without any additional educational requirements, provided that the certificate holder continues to be qualified pursuant to this chapter.

(c) In order to obtain certification as a massage therapist, an applicant shall submit a written application and provide the organization with satisfactory evidence that he or she meets all of the following requirements:

(1) The applicant is 18 years of age or older.

(2) The applicant satisfies at least one of the following requirements:

(A) He or she has successfully completed the curricula in massage and related subjects totaling a minimum of 500 hours. Of this 500 hours, a minimum of 250 hours shall be from approved schools. The remaining 250 hours required may be secured either from approved or registered schools, or from continuing education providers approved by, or registered with, the organization or the Department of Consumer Affairs. After December 31, 2015, applicants may only satisfy the curricula in massage and related subjects from approved schools.

(B) The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards, and that is approved by the board. The successful completion of this examination may have been accomplished before the date the organization is authorized by this chapter to begin issuing certificates.

(3) All fees required by the organization have been paid.

(d) The organization shall issue a certificate to an applicant who meets the other qualifications of this chapter and holds a current and valid registration, certification, or license from any other state whose licensure requirements meet or exceed those defined within this chapter. The organization shall have discretion to give credit for comparable academic work completed by an applicant in a program outside of California.

(e) An applicant applying for a massage therapist or massage practitioner certificate shall file with the organization a written application provided by the organization, showing to the satisfaction of the organization that he or she meets all of the requirements of this chapter.

(f) Any certification issued under this chapter shall be subject to renewal every two years in a manner prescribed by the organization, and shall expire unless renewed in that manner. The organization may provide for the late renewal of a license.

(g) (1) The organization shall have the responsibility to determine that the school or schools from which an applicant has obtained the education required by this chapter meet the requirements of this chapter. If the organization has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the organization shall investigate the facts to

determine that the applicant received the required education prior to issuing a certificate.

(2) For purposes of paragraph (1) and any other provision of this chapter for which the organization is authorized to receive factual information as a condition of taking any action, the organization shall have the authority to conduct oral interviews of the applicant and others or to make any investigation deemed necessary to establish that the information received is accurate and satisfies any criteria established by this chapter.

4601.2. No certificates shall be issued by the organization pursuant to this chapter prior to September 1, 2009.

4601.3. (a) Prior to issuing a certificate to the applicant or designating a custodian of records, the organization shall require the applicant or the custodian of records candidate to submit fingerprint images in a form consistent with the requirements of this section. The organization shall submit the fingerprint images and related information to the Department of Justice for the purpose of obtaining information as to the existence and nature of a record of state and federal level convictions and of state and federal level arrests for which the Department of Justice establishes that the applicant or candidate was released on bail or on his or her own recognizance pending trial. Requests for federal level criminal offender record information received by the Department of Justice pursuant to this section shall be forwarded to the Federal Bureau of Investigation by the Department of Justice. The Department of Justice shall review the information returned from the Federal Bureau of Investigation, and shall compile and disseminate a fitness determination regarding the applicant or candidate to the organization.

(b) The Department of Justice shall provide information to the organization pursuant to subdivision (p) of Section 11105 of the Penal Code.

(c) The Department of Justice and the organization shall charge a fee sufficient to cover the cost of processing the request for state and federal level criminal offender record information.

(d) The organization shall request subsequent arrest notification service from the Department of Justice, as provided under Section 11105.2 of the Penal Code, for all applicants for licensure or custodian of records candidates for whom fingerprint images and related information are submitted to conduct a search for state and federal level criminal offender record information.

(e) This section shall become operative September 1, 2009.

4601.4. Organization directors, employees, or volunteer individuals may undergo the background investigation process delineated in Section 4601.3.

4602. (a) The organization may discipline a certificate holder by any, or a combination, of the following methods:

(1) Placing the certificate holder on probation.

(2) Suspending the certificate and the rights conferred by this chapter on a certificate holder for a period not to exceed one year.

(3) Revoking the certificate.

(4) Suspending or staying the disciplinary order, or portions of it, with or without conditions.

(5) Taking other action as the organization, as authorized by this chapter or its bylaws, deems proper.

(b) The organization may issue an initial certificate on probation, with specific terms and conditions, to any applicant.

(c) (1) Notwithstanding any other provision of law, if the organization receives notice that a certificate holder has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of Section 647 of the Penal Code or any other offense described in subdivision (h) of Section 4603, the organization shall take all of the following actions:

(A) Immediately suspend, on an interim basis, the certificate of that certificate holder.

(B) Notify the certificate holder within 10 days at the address last filed with the organization that the certificate has been suspended, and the reason for the suspension.

(C) Notify any business within 10 days that the organization has in its records as employing the certificate holder that the certificate has been suspended.

(2) Upon notice to the organization that the charges described in paragraph (1) have resulted in a conviction, the suspended certificate shall become subject to permanent revocation. The organization shall provide notice to the certificate holder within 10 days that it has evidence of a valid record of conviction and that the certificate will be revoked unless the certificate holder provides evidence within 15 days that the conviction is either invalid or that the information is otherwise erroneous.

(3) Upon notice that the charges have resulted in an acquittal, or have otherwise been dismissed prior to conviction, the certificate shall be immediately reinstated and the certificate holder and any business that received notice pursuant to subparagraph (C) of paragraph (1) shall be notified of the reinstatement within 10 days.

4602.5. (a) Upon the request of any law enforcement agency or any other representative of a local government agency with responsibility for regulating, or administering a local ordinance relating to, massage or massage businesses, the organization shall provide information concerning a certificate holder, including, but not limited to, the current status of the certificate, any history of disciplinary actions taken against the certificate holder, the home and work addresses of the certificate holder, and any other information in the organization's possession that is necessary to verify facts relevant to administering the local ordinance.

(b) The organization shall accept information provided by any law enforcement agency or any other representative of a local government agency with responsibility for regulating, or administering a local ordinance relating to, massage or massage businesses. The organization shall have the responsibility to review any information received and to take any actions authorized by this chapter that are warranted by that information.

4603. It is a violation of this chapter for a certificate holder to commit, and the organization may deny an application for a certificate or discipline a certificate holder for, any of the following:

(a) Unprofessional conduct, including, but not limited to, denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a certificate holder by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, or judgment shall be conclusive evidence of these actions.

(b) Procuring a certificate by fraud, misrepresentation, or mistake.

(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of this chapter or any rule or bylaw adopted by the organization.

(d) Conviction of any felony, or conviction of a misdemeanor that is substantially related to the qualifications or duties of a certificate holder, in which event the record of the conviction shall be conclusive evidence of the crime.

(e) Impersonating an applicant or acting as a proxy for an applicant in any examination referred to under this chapter for the issuance of a certificate.

(f) Impersonating a certified practitioner or therapist, or permitting or allowing an uncertified person to use a certificate.

(g) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.

(h) Committing any act punishable as a sexually related crime.

4603.1. (a) No certificate holder or certificate applicant may be disciplined or denied a certificate pursuant to Section 4603 except according to procedures satisfying the requirements of this section. A denial or discipline not in accord with this section or subdivision (c) of Section 4602 shall be void and without effect.

(b) Any certificate applicant denial or certificate holder discipline shall be done in good faith and in a fair and reasonable manner. Any procedure that conforms to the requirements of subdivision (c) is fair and reasonable, but a court may also find other procedures to be fair and reasonable when the full circumstances of the certificate denial or certificate holder discipline are considered.

(c) A procedure is fair and reasonable when the procedures in subdivision (c) of Section 4602 are followed, or if all of the following apply:

(1) The provisions of the procedure have been set forth in the articles or bylaws, or copies of those provisions are sent annually to all the members as required by the articles or bylaws.

(2) It provides the giving of 15 days prior notice of the certificate denial or certificate holder discipline and the reasons therefor.

(3) It provides an opportunity for the certificate applicant or certificate holder to be heard, orally or in writing, not less than five days before the effective date of the certificate denial or certificate holder discipline by a

person or body authorized to decide that the proposed certificate denial or certificate holder discipline not take place.

(d) Any notice required under this section may be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last address of the certificate applicant or certificate holder shown on the organization's records.

(e) Any action challenging a certificate denial or certificate holder discipline, including any claim alleging defective notice, shall be commenced within one year after the date of the certificate denial or certificate holder discipline. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.

(f) This section governs only the procedures for certificate denial or certificate holder discipline and not the substantive grounds therefor. A certificate denial or certificate holder discipline based upon substantive grounds that violates contractual or other rights of the member or is otherwise unlawful is not made valid by compliance with this section.

(g) A certificate applicant or certificate holder who is denied or disciplined shall be liable for any charges incurred, services or benefits actually rendered, dues, assessments, or fees incurred before the certificate denial or certificate holder discipline or arising from contract or otherwise.

4603.5. It shall be the responsibility of any certificate holder to notify the organization of his or her home address, as well as the address of any business establishment where he or she regularly works as a massage therapist or massage practitioner, whether as an employee or as an independent contractor. A certificate holder shall notify the organization within 30 days of changing either his or her home address or the address of the business establishment where he or she regularly works as a massage therapist or massage practitioner.

4604. (a) Notwithstanding Section 4601, the organization may grant a massage practitioner certificate to any person who applies on or before January 1, 2012, with one of the following:

(1) A current valid massage permit or license from a California city, county, or city and county and documentation evidencing that the person has completed at least a 100-hour course in massage at a state-approved or registered school, or out-of-state school recognized by the organization as providing comparable education, has been practicing for at least three years, and has provided at least 1,000 hours of massage to members of the public for compensation.

(2) Documentation evidencing that the person has completed at least a 100-hour course in massage at a state-approved or registered school, or out-of-state school recognized by the organization as providing comparable education, has been practicing for at least three years, and has provided at least 1,750 hours of massage to members of the public for compensation. For purposes of this subdivision, evidence of practice shall include either of the following:

(A) A W-2 form or employer's affidavit containing the dates of the applicant's employment.

(B) Tax returns indicating self-employment as a massage practitioner or massage therapist or any other title that may demonstrate experience in the field of massage.

(3) Documentation evidencing that the person holds a current valid certificate of authorization as an instructor at an approved massage school, or holds the position of a massage instructor at a school accredited by an agency recognized by the United States Department of Education, or colleges and universities of the state higher education system, as defined in Section 100850 of the Education Code.

(b) (1) After reviewing the information submitted under subdivision (a), the organization may require additional information necessary to enable it to determine whether to issue a certificate.

(2) If an applicant under paragraph (1) of subdivision (a) or paragraph (1) of subdivision (c) has not complied with Section 4601.3, or its equivalent, when obtaining a license or permit from the city, county, or city and county, the organization shall require the applicant to comply with Section 4601.3 prior to issuing a certificate pursuant to this section.

(c) (1) A person applying for a massage practitioner certificate on or before January 1, 2012, who meets the educational requirements of either paragraph (1) or (2) of subdivision (a), but who has not completed the required number of practice hours prior to submitting an application pursuant to this section, may apply for a conditional certificate.

(2) An applicant for a conditional certificate shall, within five years of being issued the conditional certificate, be required to complete at least 30 hours of additional education per year from schools or courses described in paragraph (5) until he or she has completed a total of at least 250 hours of education, which may include massage education hours previously completed in a massage course described in either paragraph (1) or (2) of subdivision (a).

(3) Upon successful completion of the requirements of this subdivision, the organization shall issue a certificate to the person that is not conditional.

(4) The organization shall immediately revoke the conditional certificate issued to any person pursuant to this subdivision if the time period specified in paragraph (2) expires without proof of completion of the requirements having been filed with the organization.

(5) Any additional education required by this section may be completed through courses provided by any of the following:

(A) An approved school.

(B) A registered school.

(C) A provider approved by, or registered with, the organization or the Department of Consumer Affairs.

(D) A provider that establishes to the satisfaction of the organization that its course or courses are appropriate educational programs for this purpose.

(d) Nothing in this section shall preclude the organization from exercising any power or authority conferred by this chapter with respect to a conditional certificate holder.

4605. It is an unfair business practice for any person to state or advertise or put out any sign or card or other device, or to represent to the public through any print or electronic media, that he or she is certified, registered, or licensed by a governmental agency as a massage therapist or massage practitioner.

4606. It is an unfair business practice for any person to hold oneself out or use the title of “certified massage therapist” or “certified massage practitioner” or any other term, such as “licensed,” “registered,” or “CMT,” that implies or suggests that the person is certified as a massage therapist or practitioner without meeting the requirements of Section 4601 or 4604.

4607. The superior court in and for the county in which any person acts as a massage practitioner or massage therapist in violation of the provisions of this chapter, may, upon a petition by any person, issue an injunction or other appropriate order restraining the conduct. The proceedings under this paragraph shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

4608. Nothing in this chapter is intended to limit or prohibit a person who obtains a certification pursuant to this chapter from providing services pursuant to, and in compliance with, Sections 2053.5 and 2053.6.

4612. (a) (1) The holder of a certificate issued pursuant to this chapter shall have the right to practice massage, consistent with this chapter and the qualifications established by his or her certification, in any city, county, or city and county in this state and shall not be required to obtain any other license, permit, or other authorization, except as provided in this section, to engage in that practice.

(2) Notwithstanding any other provision of law, a city, county, or city and county shall not enact an ordinance that requires a license, permit, or other authorization to practice massage by an individual who is certified pursuant to this chapter and who is practicing consistent with the qualifications established by his or her certification. No provision of any ordinance enacted by a city, county, or city and county that is in effect before the effective date of this chapter, and that requires a license, permit, or other authorization to practice massage, may be enforced against an individual who is certified pursuant to this chapter.

(3) Except as provided in subdivision (b), nothing in this section shall be interpreted to prevent a city, county, or city and county from adopting or enforcing any local ordinance governing zoning, business licensing, and reasonable health and safety requirements for massage establishments or businesses. Subdivision (b) shall not apply to any massage establishment or business that employs or uses persons to provide massage services who are not certified pursuant to this chapter.

(b) (1) This subdivision shall apply only to massage establishments or businesses that are sole proprietorships, where the sole proprietor is certified pursuant to this chapter, and to massage establishments or businesses that employ or use only persons certified pursuant to this chapter to provide massage services. For purposes of this subdivision, a sole proprietorship is

a business where the owner is the only person employed by that business to provide massage services.

(2) (A) Any massage establishment or business described in paragraph (1) shall maintain on its premises evidence for review by local authorities that demonstrates that all persons providing massage services are certified.

(B) Nothing in this section shall preclude a city, county, or city and county from including in a local ordinance a provision that requires a business described in paragraph (1) to file copies or provide other evidence of the certificates held by the persons who are providing massage services at the business.

(3) A city, county, or city and county may charge a massage business or establishment a business licensing fee sufficient to cover the costs of the business licensing activities established by a local ordinance described in this section.

(4) Nothing in this section shall prohibit a city, county, or city and county from adopting land use and zoning requirements applicable to massage establishments or businesses, provided that these requirements shall be no different than the requirements that are uniformly applied to other professional or personal services businesses.

(5) Local building code or physical facility requirements applicable to massage establishments or businesses shall not require additional restroom, shower, or other facilities that are not uniformly applicable to other professional or personal service businesses, nor shall building or facility requirements be adopted that (A) require unlocked doors when there is no staff available to assure security for clients and massage staff who are behind closed doors, or (B) require windows that provide a view into massage rooms that interfere with the privacy of clients of the massage business.

(6) A city, county, or city and county may adopt reasonable health and safety requirements with respect to massage establishments or businesses, including, but not limited to, requirements for cleanliness of massage rooms, towels and linens, and reasonable attire and personal hygiene requirements for persons providing massage services, provided that nothing in this paragraph shall be interpreted to authorize adoption of local ordinances that impose additional qualifications, such as medical examinations, background checks, or other criteria, upon any person certified pursuant to this chapter.

(7) Nothing in this section shall preclude a city, county, or city and county from doing any of the following:

(A) Requiring an applicant for a business license to operate a massage business or establishment to fill out an application that requests the applicant to provide relevant information.

(B) Making reasonable investigations into the information so provided.

(C) Denying or restricting a business license if the applicant has provided materially false information.

(c) An owner or operator of a massage business or establishment subject to subdivision (b) shall be responsible for the conduct of all employees or independent contractors working on the premises of the business. Nothing in this section shall preclude a local ordinance from authorizing suspension,

revocation, or other restriction of a license or permit issued to a massage establishment or business if violations of this chapter, or of the local ordinance, occur on the business premises.

(d) Nothing in this section shall preclude a city, county, or city and county from adopting a local ordinance that is applicable to massage businesses or establishments described in paragraph (1) of subdivision (b) and that does either of the following:

(1) Provides that duly authorized officials of the city, county, or city and county have the right to conduct reasonable inspections, during regular business hours, to ensure compliance with this chapter, the local ordinance, or other applicable fire and health and safety requirements.

(2) Requires an owner or operator to notify the city, county, or city and county of any intention to rename, change management, or convey the business to another person.

4613. (a) Nothing in this chapter shall restrict or limit in any way the authority of a city, county, or city and county to adopt a local ordinance governing any person who is not certified pursuant to this chapter.

(b) Nothing in this chapter is intended to affect the practice rights of any person licensed by the state to practice or perform any functions or services pursuant to that license.

4615. This chapter shall be subject to the review required by Division 1.2 (commencing with Section 473).

4620. This chapter shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES**

JANUARY 11, 2011

Chair Lombardo called the regular meeting of the Yucca Valley Planning Commission to order at 7:00 p.m.

Commissioners present: Chair Robert Lombardo, Commissioners Mike Alberg, Gregory Graham, Tim Humphreville

Chairman Lombardo led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. Alberg moved that the Agenda be approved, which motion was seconded by Mr. Humphreville and passed unanimously by voice vote.

PUBLIC COMMENTS: None

PUBLIC HEARINGS: None

DISCUSSION ITEMS:

1. ASSIGNMENT OF TWO COMMISSIONERS TO PARTICIPATE IN THE FUTURE ANIMAL SHELTER FACILITY DESIGN DISCUSSION

A request that the Planning Commission designate two Commissioners to participate in the future animal shelter facility design discussions.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the request that two Commissioners be assigned to participate in the future animal shelter facility design and discussions. An ad hoc committee is being formed consisting of two Town Council members, two Planning Commissioners and residence of the area surrounding the current and proposed animal shelter location.

After discussion it was determined that Mr. Alberg and Mr. Humphreville could not be available during the day due to work considerations. Mr. Graham volunteered to participate and Mr. Lombardo stated, with adequate advance notice, he would try to arrange his work schedule to participate. The Commission designated Mr. Graham and Mr. Lombardo to participate on the committee.

CONSENT AGENDA: MINUTES –

Mr. Humphreville moved that the Planning Commission approve as submitted the Consent Agenda which included the minutes of the Regular Planning Commission

Meeting held on December 14, 2010. The motion was seconded by Mr. Graham and passed unanimously by voice vote.

STAFF REPORTS AND COMMENTS:

Mr. Kirschmann reported the ARCO AM/PM project received approval from Caltrans to proceed with access from SR62 on December 21, 2010, work has begun on the access points and that ground had been broken for the Sonic Burger on the site.

FUTURE AGENDA ITEMS: None discussed

COMMISSIONER REPORTS AND REQUESTS:

Mr. Alberg questioned when census numbers could be available. Deputy Town Manager Shane Stueckle replied probably in a couple of months.

Mr. Humphreville questioned when a new Commissioner might be appointed and if the requested change in the start time of the Commission meetings is being considered. Mr. Stueckle replied he has not seen appointment of a new Commissioner on a Town Council agenda yet but it will probably be soon; the time change for the Commission meetings is on the agenda for January 18th.

Mr. Graham questioned a return of the discussion on erosion and sediment control. Mr. Stueckle replied the Commission tabled it until a discussion could be scheduled with the Town Council.

ANNOUNCEMENTS:

Mr. Lombardo announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, January 25, 2011 at 7:00 pm

ADJOURNMENT

The meeting adjourned at 7:10 pm.

Respectfully submitted by,

Jeannie Lindberg
Administrative Assistant III