ORDINANCE 198

THE CITY COUNCIL OF THE CITY OF TEHAMA ORDAINS AS FOLLOWS:

Title 17
ZONING

Chapter 17.04 GENERAL PROVISIONS AND DEFINITIONS

Sections:

17.04.010 Adoption.

There is adopted a zoning plan for the entire incorporated land area of the city of Tehama, state of California, said zoning plan being a districting plan. (Ord. 89 Art. I, § 1, 1973)

17.04.020 Purpose.

The zoning plan is adopted to promote and protect the public health, safety, peace, morals, comfort, and general welfare, as well as to implement the general plan of the city of Tehama adopted in the year 1972, and to preserve the primary character of the city as residential and agricultural as distinguished from industrial and commercial. (Ord. 89 Art. I, § 2, 1973)

17.04.030 Short title.

The ordinance codified in this Title 17 shall be known by the following short title:

CITY OF TEHAMA ZONING ORDINANCE IMPLEMENTING THE GENERAL PLAN.

(Ord. 89 Art. I, § 3, 1973)

17.04.040 Compliance required.

No building or structure shall be erected, constructed or structurally altered in any manner, nor shall land, whether open-space or not, be used for any purpose other than as permitted by and in conformance with this Title 17. (Ord. 89 Art. I, § 4, 1973)

17.04.050 Definitions.

For the purpose of this Title 17 certain words and phrases are defined; the word "shall" is mandatory; the word "may" is permissive.

"Accessory dwelling unit (ADU)" means an attached or detached dwelling unit that provides complete independent living facilities on the same parcel as a legal single-family or multi-family dwelling, including

permanent provisions for living, sleeping, eating, cooking, and sanitation. See Chapter 17.60 Accessory Dwelling Units (ADUs).

“Adult day care facility” means a facility that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. This use is classified as a community care facility. See definition of “community care facility” in this Section.

"Alcohol Beverage Sales" means the retail sale of alcoholic beverages, including but not limited to beer and wine, for consumption off-site.

"Banks or Financial Institutions" means a commercial establishment, including a federally chartered bank, savings and loan association, industrial loan company, or credit unions, that provides retail banking services to individuals and businesses.

"Bar" means a commercial establishment or part of an establishment that sells alcoholic beverages to be consumed on the premises.

"Basement" means a story of a building partly or wholly underground.

"Block" means all property fronting upon one side of a street between intersecting and intercepting streets or between a street and a railroad right-of-way, dead end street, or unsubdivided land. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

"Building" means any structure having a roof supported by columns or by walls and designed for the shelter or housing for any person, animal or chattel and having a fixed location upon the ground.

Building, Height of. "Height of building" means the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building, to the topmost point of the roof, excluding ventilating and air conditioning equipment, and chimneys.

"Building site" means a lot or parcel of land within the platted area of the city and as designated on the official map thereof in single or joint ownership and occupied or to be occupied by a main building and accessory building with such open spaces as are required by the terms of this title and have its principal fronting on a street.

"Cellar" means a room or set of rooms for the storage of food, fuel, equipment, supplies or material, wholly or partly underground.

"Child care center" means any licensed childcare center, daycare center, or childcare home, or any preschool.

“Child day care home” means a single-family dwelling used by the occupant to provide day care and supervision for up to 14 children in compliance with Health and Safety Code Section 1597.465. Children under the age of 10 years who reside in the home count as a part of the 14-child maximum.

“Child therapeutic day services facility” means a facility that provides care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. This use is classified as a community care facility. See definition of “community care facility” in this Section.

"Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

“Community care facility” means any facility, place, or structure which is maintained and operated to provide residential care, day treatment, adult day care, or foster family agency services for children or adults, including, but not limited to the physically handicapped, mentally impaired, incompetent persons, elderly, and abused or neglected children (Title 22 of the California Code of Regulations). This use is further categorized by size: Small (six or fewer residents) and Large (seven or more residents). For the purpose of this Title, small community care facilities shall be considered a residential use, whereas large community care facilities shall be considered a commercial use. Community care facilities include the following as defined by this Section: adult day care facility, child therapeutic day services facility, community treatment facility, foster home, residential care facility, and social rehabilitation facility.

“Community treatment facility” means a facility that provides care and mental health treatment services to children in a group setting. Program components shall be subject to program standards developed by the State Department of Mental Health. This use is classified as a community care facility. See definition of “community care facility” in this Section.

"Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.

“Density bonus” means, as defined by Government Code Section 65915 et seq., is an increased density of at over the maximum authorized density which is granted to a owner/developer of a housing project agreeing to construct a prescribed percentage of very low and/or low income dwelling units. When determining the number of dwelling units that are to be affordable, the number of dwelling units authorized by the density bonus shall not be included.

"Density bonus housing agreement” means a legally binding agreement between an owner/developer and the City to ensure that the requirements of this Title are satisfied. The agreement shall establish the number of bonus units, their size, location, terms, and conditions of affordability, and production schedule. The agreement shall also require proper management and maintenance of the units.

"District" means a portion of the city within which certain uses of land and building are permitted or prohibited, all as set forth and specified in this title.

"Dual purpose solar energy system" means a solar energy system designed to provide both on-premises electricity consumption and excess generation for sale. The system shall not exceed twice the power needed for on-premises consumption or else shall be deemed a solar power facility.

"Dual purpose wind energy system" means a wind energy system designed to provide both on-premises electricity consumption and excess generation for sale. The system shall not exceed twice the power needed for on-premises consumption or else shall be deemed a wind power facility.

"Dwelling" means a building or portion thereof designed and used exclusively for residential occupancy including one-family and two-family dwellings.

“Efficiency kitchen” means a cooking facility which includes all the following: sink; cooking appliances that do not require electrical service greater than 120 volts, or natural or propane gas; a food preparation counter(s); and food storage cabinets.

"Emergency shelter" means a temporary housing facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of homeless. The facility provides minimal supportive services and is limited to occupancy of six months or less by a homeless person. See Section 17.12.010 (Permitted use) for additional emergency shelter standards.

"Enforcing officer" means the health officer or the sheriff, or the authorized deputies or designees of either, or any person employed by the city and appointed to the position of code enforcement officer, as established by City of Tehama Resolution Number 125-1991, each of whom is independently authorized to enforce this chapter.

"Equipment Sales and Rental Facility" means a service establishment with or without outdoor storage/rental yards, which offer a wide variety of equipment types, including construction equipment.

"Facility" includes any facility, building, structure, premises, or location, whether fixed or mobile, permanent or temporary, and any type of delivery service.

"Family" means a group of two or more persons related by blood, marriage or adoption and living together as a single household.

“Farmworker housing” means residential housing whose occupancy is restricted to persons who are employed in, raising, or harvesting any agricultural commodities. Prior to construction of such housing, the developer shall enter into an agreement with the City that ensures occupancy by qualified residents only.

"Fence" means any structural device forming a physical barrier by means of hedge, wood, mesh, metal, chain, bricks, stakes, plastic or other similar material.

“Foster home” means a facility that provides 24-hour care for foster children which is owned, leased, or rented and is the residence of the foster parent(s), including their family, in whose care the foster children have been placed. This use is classified as a community care facility. See definition of “community care facility” in this Section.

"Garage" or "car port" means accessible and useable covered space of not less than nine by twenty (20) feet storage for each automobile.

"High quality transit corridor" means the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

“Historic structure/sites” means a historical resource that is at least 50 years or older, is listed in, or determined to be eligible for listing in the California Register of Historical Resources, listed in a local register, deemed significant, presumed to be historically or culturally significant. Structures/sites that have architectural, cultural, and or historical features consistent with a period would be considered “deemed” or “presumed” for the purpose of this definition.

"Home occupancy" means permitted home occupations shall not include commercial photo studios, beauty parlors or barber shops, or any similar service, enterprise, or music schools, dancing schools, business schools, or other schools of any kind with organized classes or similar activity.

"Hotel/Motel" means a facility with guest rooms or suites, provided with or without kitchen facilities, rented to the public for transient lodging for up to 30 days, excluding hourly lodging. A hotel typically provides access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging, including meeting facilities, personal services, and restaurants. A motel typically provides access to guest rooms from an exterior walkway and may include accessory guest facilities such as accessory retail uses, indoor athletic facilities, and swimming pools.

“Junior accessory dwelling unit (JADU)” means an accessory dwelling unit that is located within the living space of an existing primary single-unit dwelling, as defined in Section 17958.1 of the California Health and Safety Code. See Chapter 17.60 Accessory Dwelling Units (ADUs).

“Incentives” means the benefits offered by the City to facilitate construction of eligible development projects. Incentives may include adjustment of development standards, expedited processing of entitlements, relaxation of otherwise applicable entitlement conditions, and provisions for mixed-use activities.

"Legal parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Section 66410 of Title 7 of the Government Code).

"Lot" means the official part of the subdivision of the city as set forth on the official map filed in the office of the county recorder of the county of Tehama in Book A of Maps at page 37, on September 5, 1871.

“Low barrier navigation center” means a shelter focused on temporarily housing persons and connecting them with income opportunities, public benefits, and health services prior to moving to permanent housing, in compliance with Government Code Section 65660. Low barrier navigation centers must meet the diverse needs of the population by allowing and accommodating people with disabilities, pets and pet owners, partners, the storage of possessions, and for survivors of domestic violence.

"Major transit stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus, or rail transit service.

"Marijuana dispensary" means any for-profit or not-for-profit facility meeting any or all of the following criteria:

1. A facility where marijuana is made available, cultivated, sold, given, distributed, or otherwise provided by or to four or more persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") pursuant to Health and Safety Code Sections 11362.5 and/or 11362.7 et seq. or otherwise; and/or
2. A facility where four or more persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") meet or congregate to make available, cultivate, sell, give away, distribute, or otherwise provide marijuana for medicinal or other purposes; and/or
3. A facility where any person operates a storefront or mobile outlet providing medical marijuana in any form to four members of a collective or cooperative or to other members of the general public.

"Marijuana dispensary" includes any medical marijuana collective or cooperative that meets any or all of the foregoing criteria. "Marijuana dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by the Tehama Municipal Code: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice; or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Sections 11362.5 et seq. and 11362.7 et seq. and the city of Tehama Zoning Code (Title 17 of the Tehama Municipal Code).

"Marijuana plant" means any mature or immature marijuana plant, or any marijuana seedling.

“Mixed-use project” means a project that combines both residential and nonresidential uses, where the residential component is typically located above the commercial.

"Mobile outlet" means the transportation for the purpose of distribution or delivery of medical marijuana by any means.

"Multi-family dwelling” means a structure or a portion of a structure used and/or designed as residences for two or more families living independently of each other. Includes: duplexes, duets, triplexes, fourplexes (structures under one ownership with two, three or four dwelling units, respectively, in the same structure), and apartments (five or more units under one ownership in a single structure); townhouse/row house development (three or more attached single-family dwellings located on separate parcels and where no unit is located over another unit). This definition does not include accessory dwelling units (ADU). For accessory dwelling unit, see “accessory dwelling unit (ADU)” and “junior accessory dwelling unit (JAD).”

"Nonconforming use" means the use of a structure (either conforming or nonconforming) or land that was legally established and maintained prior to the adoption of this Title and which does not conform to current development standards governing allowable land uses for the zoning district in which the use is located.

"Office" means a facility or business that predominantly offers medical, professional, or business services.

- Office, Accessory. Office that is incidental to and a part of another business, manufacturing, or sales activity that is the primary use.
- Office, Medical. Facility primarily providing outpatient medical, mental health, minor surgical, and other similar personal health services, but which is separate from a hospital, including: medical, dental, and psychiatric offices, outpatient care facilities, acupuncture, and other allied health services.
- Office, Professional. Facility and business that predominantly offers professional and/or business services including architects, attorneys, accountants, advertising, computer support, land use planners, and other similar professional services and uses.

"Open-space lands means the unplatted area of the city comprising approximately three hundred fifty-two (352) acres located on the south as well as the west of the platted area as set forth in the general plan.

"Outdoor cultivation" shall mean any cultivation of marijuana that is not conducted within a detached fully enclosed secure accessory structure conforming to the requirements of Section 17.32.030, subdivision (E)(1). Outdoor cultivation includes, without limitation, cultivation of marijuana within a greenhouse or "hoop house" or similar facility.

"Outdoor Dining" means an area adjacent to or directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way exclusively for dining, drinking, and pedestrian circulation.

"Park and ride facility" means a designated public area where vehicles may be left to ride public transit or carpool with other commuters.

"Parking space" means an accessible and useable space on the lot or building site at least nine by twenty (20) feet, located off the street behind the front setback line, with easy access for the parking of automobiles.

"Person" includes any individual, city, county, partnership, corporations, cooperatives, associations, trust or any other legal entities including the state of California and the federal government.

"Personal Service, General" means a commercial establishment that provides personal services. May also include accessory retail sales of products related to the personal services. General personal services could include:

- Alterations
- Barber and beauty shop
- Clothing rental shop
- Dry-cleaning
- Hair Salon
- Laundromat (self-service laundry)
- Locksmith
- Nail salon
- Shoe repair
- Photography studio

"Personal Service, Restricted" means commercial establishments that may tend to have a deteriorating effect upon surrounding areas/uses and that may need to be dispersed from other similar uses to minimize adverse impacts. These uses may also include accessory retail sales of products related to the personal services provided. Restricted personal services include:

- Massage Establishment
- Palm and card reader
- Tattoo and body piercing

"Platted area" means all that portion of the city subdivided into lots and identified by lot and block numbers in the official map of the city, placed of record in the office of the county recorder of the county of Tehama, in Book A of Maps, at page 37, on September 5, 1871.

"Premises" shall mean a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "premises" for purposes of this chapter.

"Primary dwelling(s)" means the residential structure(s) that accommodates the primary residential use of the parcel.

"Public transit" means a location or structure, including but not limited to, a bus stop or train station, where the public may access buses, trains, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

"Recreational vehicle" means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy.

"Residential care facility" means a group care facility for 24-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Includes residential care facilities for the elderly assisted living establishments, and memory care. This use is classified as a community care facility. See definition of "community care facility" in this Section.

"Restaurant" means a retail establishment (e.g., cafes, coffee houses, diners, food services) selling/serving food and beverages prepared for both on-site and off-site consumption, including sit down table service.

"Retail Sales, General" means a commercial establishment within a structure, engaged in selling goods or merchandise to the general public for profit. Examples of these establishments and lines of merchandise include:

- Antiques
- Appliances
- Artists' supplies
- Motor vehicle parts and accessories
- Bakeries (retail only)
- Bicycle sales and rentals
- Books
- Cameras and photographic supplies
- Carpeting and floor covering
- Clothing and accessories
- Convenience market
- Drug and discount stores
- Electronic equipment
- Fabrics and sewing supplies
- Florists and houseplant stores (indoor sales only)
- Gift shops
- Grocery store
- Handcrafted items
- Hardware
- Hobby materials
- Jewelry
- Kitchen utensils
- Luggage and leather goods
- Medical supplies and equipment
- Musical instruments
- Newsstands
- Office supplies
- Orthopedic supplies
- Paint and wallpaper
- Pharmacies
- Religious goods
- Secondhand clothing sales
- Shoe stores
- Small wares
- Specialty food and beverage
- Specialty shops
- Sporting goods and equipment
- Stationery
- Supermarket
- Toys and games
- Travel services

"Retail Sales, Restricted" means a commercial establishment within a structure, engaged in selling goods or merchandise to the general public for profit that are subject to heighten public regulation due to the nature of the product.

- Firearms Sales. Retail establishments customarily selling firearms, ammunition, and related accessories and equipment under Federal laws governed by the Bureau of Alcohol, Tobacco, and Firearms.
- Tobacco Sales. Retail establishments customarily selling tobacco and vaping products, and related accessories and equipment under Federal laws governed by the Bureau of Alcohol, Tobacco, and Firearms.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a home school, vocational or professional institution of higher education, including a community or junior college, college, or university.

"School bus stop" means any location designated in accordance with California Code of Regulations, Title 13, Section 1238, to receive school buses, as defined in California Vehicle Code Section 233, or school pupil activity buses, as defined in Vehicle Code Section 546.

"School evacuation site" means any location designated by formal action of the governing body, superintendent, or principal of any school as a location to which juveniles are to be evacuated to, or are to assemble at, in the event of an emergency or other incident at the school.

"Setback line" means a line established by this title to govern the placement of buildings with respect to streets.

"Sign." The term "sign" shall include sign, billboard, electric sign, pole sign, or other structures or devices erected for the purpose of advertising or attracting the attention of the general public.

"Single room occupancy unit (SRO)" means a structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels or rooming houses.

"Small solar energy system" means any solar energy system whose primary purpose is to provide for on-premises space heating or cooling, or on-premises water heating, or which is intended to solely to reduce on-premises consumption of utility power. Small solar energy systems must be ancillary to a principally permitted use of the premises.

"Small wind energy system" means a wind energy system used only to reduce on-premises consumption of utility power. The purpose of a small energy system is to be an accessory use of the property. Small wind energy systems shall not exceed twenty (20) kilowatts. When a premises on which a small wind energy system is installed also receives electrical power supplied by a utility company, any excess electrical power generated by the small wind energy system, and not then needed for on-premises use, may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-premises use. No net revenue to the owners shall be produced by such excess electrical power generation.

"Social rehabilitation facility" means a residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. This use is classified as a community care facility. See definition of "community care facility" in this Section.

"Solar energy system" means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

"Solar power facility" means any solar energy system whose primary function is the provision of electricity to the electrical distribution system or transmission grid. Any solar energy system that is not a small solar energy system or a dual purpose solar energy system shall be considered a solar power facility for purposes of this chapter.

"Story" means the space in a building between the upper surface of any floor and the upper surface of the floor next above, and if there be no floor above, then the space between the upper surface of the topmost floor and the ceiling or the roof above.

"Structure" means anything constructed or erected, use of which requires location on or in the ground or attachment to some location on the ground, including driveways, patios, or parking spaces.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his/her health status, and maximizing his/her ability to live and, when possible, work in the community. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

“Tandem parking” means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another.

"Trailer court" means any premises used or intended to be used for let or rented for occupancy by one or more trailers, camp cars or movable dwellings, rooms, or sleeping quarters of any kind, including trailer parks, mobilehome parks, and manufactured housing.

"Transitional housing” means housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months and in no case more than two years. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

"Use" means the purpose for which land or building is designed, arranged or intended or for which land or building is or need be occupied or maintained.

“Veterinary Clinic” means a commercial establishment providing medical care or surgical treatment to domestic animals or household pets. Use as a kennel shall be limited to short time boarding incidental to medical care.

"Wind energy system" means any equipment or facility that converts and then stores or transfers energy from the wind into usable forms of energy, which may consist of but is not limited to a wind turbine, a tower, a mill, and associated controls or conversion electronics.

"Wind power facility" means a wind energy system whose primary function is the provision of electricity to the electrical distribution system or transmission grid. Any wind energy system that is not a small wind energy system or a dual purpose wind energy system shall be considered a wind power facility for purposes of this chapter.

"Yard" means an open space on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise herein permitted.

"Youth-oriented facility" means any facility that caters to or provides services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(Ord. No. 188, § 4, 5-12-15) (Ord. 152 § 7(A), 2000; Ord. 89 Art. II, § 1, 1973)

17.04.060 Violation deemed misdemeanor.

Each violation of this Title 17 shall be a misdemeanor. (Ord. 89 Art. XI, § 7, 1973)

Chapter 17.08 ZONING DISTRICTS DESIGNATED

Sections:

17.08.010 Zoning districts—Area established.

A. All the land area which is platted into lots and blocks is designated residential.

B. All remaining unplatted land area is designated "open-space." (Ord. 109 § 1(1), (2), 1981; Ord. 89 Art. III, § 3, 1973)

17.08.020 Open-space reserved.

Open Space is reserved to the city for mini parks, river access, river bank control, wild life preservation, scenic beauty and recreation all river frontage, including stub end streets, not privately owned and controlled, whether in the light industrial, residential or open-space district. (Ord. 89 Art. VIII, 1973)

Chapter 17.12 RESIDENTIAL DISTRICT

Sections:

17.12.010 Purpose.

The purpose of this Chapter is to describe the character and intent of the City's Residential District (R), establish permitted and conditional uses, permit requirements, specify development standards, and identify supplemental land use regulations.

17.12.020 Residential District Purpose Statement.

The purpose of the Residential District is to provide for a variety of housing types, including but not limited to, single-family, multifamily, employee, transitional, and supportive. This overlay zone implements the Residential (R) General Plan Land Use Designation in the General Plan.

17.12.030 Permitted uses.

In the Residential District the following uses and none other are permitted in the absence of a revocable use permit:

A. One- or two-story, single-family residential building per lot without cellar or basement, and with provision for two off-street parking spaces; each dwelling shall have a minimum width of twenty (20) feet and a minimum floor area, including walls, of eight hundred (800) square feet.

B. Child day care home when in compliance with Health and Safety Code Section 1597.465.

C. Community care facility, small (six or fewer residents).

D. Multifamily housing.

E. Transitional housing.

F. Supportive housing.

G. That area lying within one hundred (100) feet to the west of the high water mark of the Sacramento River, if not otherwise utilized as residential, shall be limited to recreational use.

H. Accessory dwelling unit (ADU) and/or junior accessory dwelling unit (JADU) when in compliance with Chapter 17.60 (Accessory Dwelling Units (ADUs) of this Title.

I. Emergency shelters shall comply with the following standards.

1. The maximum number of persons to be served on any given night shall not exceed ten (10).

2. A maximum distance of three hundred (300) feet shall be maintained from any other emergency shelter.

3. The maximum stay at the facility shall not exceed ninety (90) days in a three hundred sixty-five-day period.

4. On-site client waiting and intake areas shall be located inside the building.

5. A minimum of one manager, in addition to security personnel, shall be on duty and remain on-site during intake hours.

6. Security personnel shall be provided on-site at all times.

7. Exterior lighting shall be provided for the entire outdoor area of the site consistent with the provisions of this code. Exterior lighting shall be stationary, and shall be directed away from adjacent properties and public rights-of-way.

8. A minimum of one parking space for every five beds, or one parking space for each bedroom designated for families with children, plus one parking space for each employee/volunteer on duty during the largest shift, shall be maintained.

J. Farmworker housing (six or fewer residents) in compliance with Health and Safety Code 17021.5 and 17021.6.

(Ord. 162 § 2, 2004; Ord. 152 § 7(D), 2000; Ord. 129 § 2, 1986; Ord. 109 § 1(4), 1981; Ord. 107 Art. II, 1981: Ord. 89 Art. V, 1973) (Ord. No. 188, §§ 5, 6, 5-12-15)

17.12.040 Conditional uses.

A. In the residential district the following uses may be permitted after application, hearing and issuance of a revocable use permit:

B. Light industrial,

C. C. Community care facility, large (seven or more residents).

D. Single room occupancy unit (SRO).

E. Low barrier navigation center, in compliance with Government Code Section 65660.

17.12.050 Development Standards.

A. Single-Family Housing. The following standards apply to single-family housing in the Residential District:

1. Maximum main building coverage: thirty-five (35) percent of lot area;

2. Minimum front yard: fifteen (15) feet;

3. Minimum side yard: side yard shall total not less than twenty (20) percent of the lot width, and no side yard may be less than six feet; the side yard on the street side of each corner lot shall not be less than ten (10) feet;

4. Maximum height; 2 stories; and

5. Minimum rear yard: twenty (20) feet for main residence and six feet for other buildings (Ord. 127 § 1, 1986: Ord. 89 Art. VIII, 1973)

(Ord. No. 173, §§ 1, 2, 9-3-09)

B. Multifamily Housing. The following standards apply to multi-family housing in the Residential District.

1. Maximum main building coverage: sixty-five (65) percent of lot area;

2. Minimum front yard: fifteen (15) feet;

3. Minimum side yard: side yard shall total not less than twenty (20) percent of the lot width, and no side yard may be less than six feet; the side yard on the street side of each corner lot shall not be less than ten (10) feet;

4. Maximum height: 2-3 stories, thirty-five (35) feet; and

5. Minimum rear yard: twenty (20) feet for main residence and six feet for other structures.

17.12.060 Signs.

A. Business signs located in residential areas may be no larger than one foot in height and two feet in width.

B Prohibited Signs.

1. Off-premises signs, including billboards.

2. Signs erected at or near the intersection of any street or driveway so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, or at street corners.

3. Signs on public property.

4. Political signs on and/or private property without the consent of the owner of said premises.

5. A political sign that is lighted or is larger than twelve (12) square feet.

6. Signs Mounted on Vehicles. No person shall park any vehicle, equipment, or trailer on a public right-of-way, on public property, or on private property so as to be visible from a public right-of-way that has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products and services or directing people to a business or activity located on the same or nearby property. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle.

(Ord. No. 179, § 1, 2-9-10)

Editor's note(s)—Ord. No. 179, § 1Editor's note(s)—, adopted February 9, 2010, repealed the former § 17.12.040Editor's note(s)—, and enacted a new § 17.12.040Editor's note(s)— as set out herein. The former § 17.12.040Editor's note(s)— pertained to business signs and derived from Ord. No. 123, 1984.

17.12.070 Division or re-subdivision of existing lots restricted.

No lots or group of lots in the residential district of the city shall be divided or re-subdivided into an area or areas so as to contain less than twelve thousand eight hundred (12,800) square feet. (Ord. 143 Art. I, § 1, 1992)

17.12.080 Streamlining Housing.

The City allows by-right multifamily housing as designated in Section 17.12.030 (Permitted Uses) in compliance with Government Code Section 65913.4 (Senate Bill 35). Under this requirement multifamily housing is permitted by right without the approval of a discretionary permit (conditional use permit) by the City, is subject to the development standards noted in Section 17.12.050B (Development Standards) and shall comply with the established flood zone requirements administered by the City of Tehama and the Federal Emergency Management Agency (FEMA). The City does not regulate design on multifamily housing developments.

Chapter 17.14 BUSINESS OVERLAY ZONE

17.14.010 Purpose.

The purpose of this Chapter is to describe the character and intent of the Business Overlay Zone (BOZ), establish permitted and conditional uses, permit requirements, specify development standards, and identify supplemental land use regulations applicable to the overlay zone.

17.14.020 Purpose of the Business Overlay Zone.

The purpose of the Business Overlay Zone is to provide for a range of commercial uses on select parcels within the City, specifically along C Street, to spur future commercial development. The intent of these regulations is to provide a range of use flexibility that is compatible with the underlying General Plan land use designation. This overlay zone implements the Business Overlay (B) General Plan Land Use Designation in the General Plan.

17.14.030 Permitted uses.

In the Business Overlay Zone the following uses and none other are permitted at the discretion of the City Administrator in the absence of a revocable use permit:

A. All uses permitted in the Residential District (Section 17.12.030, Permitted Uses).

B. Banks and Financial Institutions (including stand along ATMs)

C. Equipment Sales and Rental Facilities

D. Hotel/Motel

E. Office

F. Personal Service, General

G. Outdoor Dining

H. Restaurants

I. Retail Sales, General

J. Single room occupancy (SRO)

K. That area lying within one hundred (100) feet to the west of the high-water mark of the Sacramento River, if not otherwise utilized as business overlay or residential, shall be limited to recreational use.

17.14.040 Conditional uses.

A. Light industrial

B. Alcohol Beverage Sales

C. Bar

D. Personal Service, Restricted

E. Retail Sales, Restricted

F. Veterinary Clinic

G. Community Care Facility, Large (seven or more residents)

17.14.050 Development Standards.

Development in the Business Overlay Zone shall comply with the development standards established for the underlying base zone and General Plan land use designation.

17.14.060 Signs.

A. Business signs located in residential areas may be no larger than one foot in height and two feet in width.

B Prohibited Signs.

1. Off-premises signs, including billboards.
2. Signs erected at or near the intersection of any street or driveway to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, or at street corners.
3. Signs on public property.
4. Political signs on private property without the consent of the owner of said premises.
5. A political sign that is lighted or is larger than twelve (12) square feet.
6. Signs Mounted on Vehicles. No person shall park any vehicle, equipment, or trailer on a public right-of-way, on public property, or on private property to be visible from a public right-of-way that has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products and services or directing people to a business or activity located on the same or nearby property. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle.

(Ord. No. 179, § 1, 2-9-10)

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17.14.070 Division or re-subdivision of existing lots restricted.

No lot or group of lots designated business overlay in the City shall be divided or re-subdivided into an area or areas so as to contain less than twelve thousand eight hundred (12,800) square feet. (Ord. 143 Art. I, § 1, 1992)

17.14.080 Streamlining Housing.

The City permits the allowability of by-right housing as designated in Section 17.12.030 (Permitted Uses) in compliance with Senate Bill 35 (SB35, Government Code Section 65913.4). Under this requirement multifamily housing is permitted by right without the approval of a discretionary permit (conditional use permit) by the City, is subject to the development standards noted in Section 17.12.050B (Development Standards) and shall comply with the established flood zone requirements administered by the Federal Emergency Management Agency (FEMA). The City does not regulate the design of multifamily housing developments.

Chapter 17.16 OPEN-SPACE DISTRICT

Sections:

17.16.010 Permitted uses.

In the open-space district the following uses are permitted:

A. The production of food and fiber, parks and publicly owned and developed recreation areas, including river bank access, river bank control, wild life preservation and scenic beauty.

B. No street shall be improved, no sewers or connections or other improvements shall be laid or public building or works, including school buildings, constructed within the open-space district until the matter has been referred to the planning commission for its report as to conformity with the open-space plan of the city and a copy of the report has been filed with the legislative body, and thereafter a finding is made by the city council/planning commission that the proposed improvement, connection or construction is in conformity with the open-space plan. The requirements of this section shall not apply in the case of a street which was accepted, opened or had otherwise received the legal status of a public street prior to the year 1972. (Ord. 89 Art. IX, 1973)

Chapter 17.20 FENCES

Sections:

17.20.010 Regulations generally.

A. Fences in side and rear yards may not exceed six feet in height.

B. Fences may not exceed four feet in front yard setbacks unless constructed of a material that does not block vision. The four feet requirement applies to the area in front of the house. The remainder of the front yard set backs shall be treated as side yards with fences not to exceed six feet.

C. No fence shall exceed six feet in height unless the council grants a use permit because of unusual circumstances.

E. Private fences shall not enclose city property.

F. The city council may grant use permits, which may be revocable or conditional, for fences that are exceptions to the foregoing. To be granted a use permit, the location, size, design of the proposed fence will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, buildings or structures, with consideration to be given to harmony in scale, to the harmful effect, if any, upon desirable neighborhood character, and to any other relevant impact of the proposed use. (Ord. 123 Art. XIII, 1984)

(Ord. No. 173, §§ 3, 4, 9-3-09)

Chapter 17.24 MANUFACTURED HOMES

Sections:

17.24.010 Regulations generally.

Single-family manufactured home placement and utilization is permitted within the "residential" area of the city of Tehama, provided such manufactures homes are:

A. Not manufactured more than ten (10) years prior to the date of application for a permit to install it on the lot.

B. Placed on a foundation system, in compliance with the California Building Code; and

C. Placed on a lot designed for single-family dwellings; and

D. Have a minimum width of twenty (20) feet, and a minimum floor area, including walls, of eight hundred (800) square feet; and

E. Bear an insignia of approval by the California Department of Housing and Community Development or the U. S. Department of Housing and Urban Development; and

2. Have a roof with a pitch of not less than two inch vertical rise for each twelve (12) inches of horizontal run and consisting of shingles or other material customarily used for conventional dwellings;

3. Said roof shall have at least a one foot overhang.

G. Upon applying for a building permit for the installation of a manufactured homes the applicant shall furnish the city clerk with:

1. A site plan,

2. A description of the roof and siding materials and roof pitch, and

3. Pictures of the manufactured homes from all four sides;

H. The city clerk may approve the application and issue the permit if the application demonstrates compliance with applicable ordinances, rules, regulations and laws;

I. If the city clerk recommends denial of the building permit, the applicant may appeal the adverse recommendation to the city council. (Ord. 107 Art. I, 1981)

(Ord. No. 175, §§ 1—3, 10-13-09)

Chapter 17.25 TRAILERS

Sections:

17.25.010 Trailers.

A. All trailers, when occupied or used for living or sleeping purposes, shall be kept within approved trailer parks, except that a temporary permit may be issued by the city council to keep one such trailer on land other than an approved trailer park for a period not to exceed thirty (30) days. Application for a temporary permit shall be filed with the city clerk at least ten (10) days prior to a city council meeting.

B. A trailer is defined as any unit used, or designated to be used, for living or sleeping purposes or both, and which is, or may be, equipped with wheels or similar devices used for the purpose of transporting said unit from place to place whether by motive power or other means.

C. Removal of wheels or similar devices from any trailer or otherwise permanently fixing any trailer to the ground shall not be construed as removing such trailer from the regulations of this ordinance or converting it into a dwelling.

D. It is unlawful and an infraction for any person to keep a trailer on land other than an approved trailer park without a temporary permit as herein provided.

(Ord. No. 173, § 5, 9-3-09)

Chapter 17.28 USE PERMITS AND VARIANCES

Sections:

17.28.010 Issuance authority.

Use permits which may be revocable, conditional or valid for a term period may be issued by the city council for placing of business, for commercial structures and buildings within the residential district. Guarantees to ensure compliance with the terms and conditions of such use permits as may be required by the city council. (Ord. 152 § 8(E), 2000: Ord. 98 § 2(1), 1977: Ord. 89 Art. XI, § 1, 1973)

17.28.020 Application requirements.

Application for a use permit shall be filed with the planning commission on a form prescribed by the city council, together with a filing fee of fifteen dollars ($15.00), payable to the city, and delivered to the city clerk with plans and specifications sufficient to clearly show details of the structure or building, and a statement showing the uses and purposes for which it is to be utilized. (Ord. 98 § 2(2), 1977: Ord. 89 Art. XI, § 2, 1973)

17.28.030 Public hearing.

The planning commission shall hold a public hearing on each application after the application is accepted as complete. Notice of the time and place of the hearing, including a general explanation of the matter to be considered and a general description of the area affected, shall be given by publication and/or posting in three public places as required by Government Code Section 65090, and by mail, as required by Government Code Section 65091. Failure to receive the notice required by Government Code Section 65091 shall not invalidate any action on the application. The city council may, by resolution, provide for additional notice. Any hearing may be continued to a specific time, date and place without further public notice. (Ord. 152 § 7(C), 2000: Ord. 89 Art. XI, § 3, 1973)

17.28.040 Findings—Content.

The findings of the planning commission shall be prepared in writing and submitted to the city council for final action. The findings of the planning commission shall set forth whether the establishment, maintenance or operation of the use or variance applied for will or will not, under the circumstances of the particular case, be detrimental to the environment, open-space plan, health, safety, peace, morals, comfort and general welfare of the city and residents thereof. (Ord. 89 Art. XI, § 4, 1973)

17.28.050 Finding—Adoption.

The city council may adopt the findings of the planning commission. (Ord. 89 Art. XI, § 5, 1973)

17.28.060 Intention to revoke—Notice.

In any case, where the conditions to the granting of the permit have not been, or are not, complied with, the city council shall give notice to the permittee of intention to revoke such permit at least ten (10) days prior to a hearing thereon. Following such hearing, the city council may revoke such permit. In any case where a use permit has not been used within six months after the date of granting thereof, then, without further action by the city council, the permit granted shall be null and void. (Ord. 89 Art. XI, § 6, 1973)

Chapter 17.30 REASONABLE ACCOMODATION

17.30.010 Purpose.

This Chapter provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (referred to in this Chapter as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

17.30.020 Applicability.

A. Eligible Applicants. The following persons may submit a request for Reasonable Accommodation.

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.

2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment. Also see other disabilities covered under the Acts.

B. Eligible Requests. Requests for Reasonable Accommodations shall comply with the following.

1. A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

2. A request for Reasonable Accommodation shall comply with Section 17.30.030 (Application Filing, Processing, and Review), below.

17.30.030 Application filing, processing, and review procedures.

A. Application. An application for a Reasonable Accommodation shall be filed and processed in compliance with this Title. The application shall include the information and materials specified in the most up-to-date application form, together with the required fee in compliance with the Fee Schedule.

B. Filing with Other Land Use Applications. If the project involves both a request for Reasonable Accommodation and some other discretionary approval (e.g., Use Permit), the applicant shall file the information required by Subsection A, above, together with the materials required for the other discretionary approval.

C. Responsibility of the Applicant. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.30.040 (Findings and Decision), below.

D. Review Authority. The City Administrator, or their designee, shall be the Review Authority and shall be responsible for accepting, reviewing, and acting on Reasonable Accommodation requests.

E. Application and Review Procedures. Upon receipt of a Reasonable Accommodation request, the City Administrator, or their designee, shall make a written decision and either approve, conditionally approve, approve with modifications, or deny a request for accommodation. See Section 17.30.040 (Findings and Decision).

17.30.040 Findings and Decision.

The written decision to approve, conditionally approve, approve with modifications, or deny a request for Reasonable Accommodation shall be based on consideration of all of the following factors:

A. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;

B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;

C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the County;

D. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a County program or law, including, but not limited to, land use and zoning;

E. Potential impact on surrounding uses;

F. Physical attributes of the property and structures; and

G. Alternative Reasonable Accommodations that may provide an equivalent level of benefit.

17.30.050 Conditions of Approval.

In approving a request for Reasonable Accommodation, the Review Authority may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by Section 17.30.040 (Findings and Decision) above.

17.30.060 Rescission of Approval of Reasonable Accommodation.

A. Rescission. An approval or conditional approval of an application made in compliance with this Chapter may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the disabled individual vacates the subject site), unless allowed to remain in compliance with Subsection B (Discontinuance), below.

B. Discontinuance. A request for Reasonable Accommodation may be deemed discontinued in the following circumstances:

1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for at least 180 consecutive days.

2. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the Review Authority first determines that:

   a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Title; or

   b. The accommodation is to be used by another qualifying individual with a disability.

3. The Review Authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities. Failure to provide the documentation within 10 days of the date of a request by the Review Authority shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.

Chapter 17.32 CULTIVATION OF MEDICAL MARIJUANA

Sections:

17.32.005 Authority and title.

Pursuant to the authority granted by Article XI, Section 7 of the California Constitution, Health and Safety Code Sections 11362.2, subdivision (b), 11362.777, subdivision (g), and 11362.83, and Government Code Sections 25845 and 53069.4, the city council does enact this chapter, which shall be known and may be cited as the "City of Tehama Marijuana Cultivation Ordinance."

(Ord. 190 , § 1, 6-13-17)

17.32.010 Findings, purpose and intent.

A. California's medical marijuana laws, the Compassionate Use Act (California Health and Safety Code Section 11362.5), the Medical Marijuana Program (California Health and Safety Code Sections 11362.7 et seq.), and the Medical Cannabis Regulation and Safety Act (California Business and Professions Code Sections 19300 et seq.), each recognize and preserve the authority of cities and counties under Section 7 of Article XI of the California Constitution to regulate the cultivation of marijuana.

B. The Adult Use of Marijuana Act (California Health and Safety Code Sections 11362.1 et seq. and California Business and Professions Code Section 26000 et seq.) likewise recognizes and preserves the authority of cities and counties to enact and enforce reasonable regulations for the cultivation of marijuana.

C. The City of Tehama's geographic and climatic conditions provide conditions that are favorable to marijuana cultivation. Marijuana growers can achieve a high per-plant yield because of the city's favorable growing conditions.

D. The unregulated cultivation of medical or non-medical marijuana in the incorporated area of the city can adversely affect the health, safety, and well-being of the city and its residents. Comprehensive regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation, and that are especially significant if the cultivation occurs outdoors, or if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.

E. The cultivation of marijuana outdoors, where it is often readily observable by neighbors and the general public, increases the risk of trespassing and burglary, and acts of violence in connection with the commission of such crimes or the occupants' attempts to prevent such crimes. Outdoor cultivation further makes the premises more prone to act as an attractive nuisance for children, and increases the likelihood of offensive odors traveling off the premises. Additionally, experience in the city and elsewhere demonstrates that outdoor cultivation of marijuana is often associated with violations of local, state, and federal environmental laws and pesticide regulations, threatening harm to local waterways and groundwater quality, and endangering the public health, safety, and welfare. To adequately protect the public health, safety, and welfare, it is proper and necessary to prohibit the outdoor cultivation of marijuana within the incorporated area of the City of Tehama.

F. The indoor cultivation of marijuana within a residence or other structure used or intended for human occupancy presents potential health and safety risks to those living in the residence or otherwise occupying the structure, especially to children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes. To adequately address these risks, it is proper and necessary that requests to cultivate marijuana within a residence or other structure used or intended for human occupancy be considered on a case-by-case basis through a waiver process administered by the City of Tehama.

G. Cultivation of any amount of marijuana at locations or premises within one thousand (1,000) feet of schools, school bus stops, school evacuation sites, churches, parks, child care centers, or youth-oriented facilities creates unique risks that the marijuana plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with marijuana cultivation in such locations poses heightened risks that juveniles will be involved or endangered. Therefore, cultivation of any amount of marijuana in such locations or premises is especially hazardous to public health, safety, and welfare, and to the protection of children and the person(s) cultivating the marijuana plants. To adequately address these risks, it is proper and necessary that requests to cultivate marijuana in such locations be considered on a case-by-case basis through a waiver process administered by the City of Tehama.

H. The cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

I. The cultivation of marijuana upon vacant lots (i.e., premises without a permitted residential use) presents a heightened risk of the harms that Chapter 17.32 was designed to prevent, including criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards, due to the absence of an onsite caretaker eligible to cultivate marijuana in accordance with state law. Marijuana cultivation upon vacant lots is more likely to violate the registration, setback, plant limit, security, and location requirements of this chapter than marijuana cultivated accessory to a permitted residential use, is more likely to be diverted to unlawful use, and is less likely to serve the legitimate needs of persons cultivating marijuana in accordance with state law. Limiting the cultivation of marijuana to premises that contain a permitted residential use is proper and necessary to avoid the aforementioned harms, and to protect the health, safety, and welfare of the residents and businesses within the incorporated area of the City of Tehama.

J. It is the purpose and intent of this chapter to implement state law by providing a means for regulating the cultivation of marijuana in a manner that is consistent with state law and which balances the interests of persons choosing to cultivate and use marijuana, and which promotes the health, safety, and welfare of the residents and businesses within the incorporated territory of the city. This chapter is intended to be consistent with California's medical marijuana laws and the Adult Use of Marijuana Act, and towards that end, is not intended to prohibit persons from individually or jointly exercising any right otherwise granted by state law. Rather, the intent and purpose of this chapter is to establish reasonable regulations upon the manner in which marijuana may be cultivated, including restrictions on the amount of marijuana that may be individually or jointly cultivated in any location or premises, in order to protect the public health, safety, and welfare in [the] City of Tehama.

K. In order to ensure compliance with the regulations set forth in the marijuana cultivation ordinance, facilitate enforcement in the event of non-compliance, and reduce hazards to emergency and other public agency personnel responding to premises where marijuana is cultivated, it is reasonable, proper, and necessary to require that all premises where marijuana is cultivated register annually with the City of Tehama.

L. Neither California's medical marijuana laws nor the Adult Use of Marijuana Act confer the right to create or maintain a public nuisance. By adopting the regulations contained in this chapter, the city will achieve a significant reduction in the aforementioned harms caused or threatened by the unregulated cultivation of marijuana in the incorporated area of City of Tehama.

M. Nothing in this chapter shall be construed to allow the cultivation or use of marijuana for commercial purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal under state or federal law. No provision of this chapter deemed a defense or immunity to any action brought against any person by the City of Tehama district attorney, the Attorney General of State of California, or the United States of America.

(Ord. 190 , § 3, 6-13-17)

Editor's note(s)—Ord. No. 190 Editor's note(s)—, §§ 2Editor's note(s)—, 3Editor's note(s)—, adopted June 13, 2017, repealed the former § 17.32.010Editor's note(s)— and enacted a new § 17.32.010Editor's note(s)— as set out herein. The former § 17.32.010Editor's note(s)— pertained to purpose and intent and derived from Ord. No. 180, adopted March 9, 2010.

17.32.020 Definitions.

Definitions for the terms referenced and used in this Chapter are located in Section 17.04.050 (Definitions).

(Ord. No. 190 , § 5, 6-13-17)

Editor's note(s)—Ord. No. 190 Editor's note(s)—, §§ 4, 5, adopted June 13, 2017, repealed the former § 17.32.020Editor's note(s)— and enacted a new § 17.32.020Editor's note(s)— as set out herein. The former § 17.32.020Editor's note(s)— pertained to similar subject matter and derived from Ord. No. 180, adopted March 9, 2010.

17.32.030 Marijuana cultivation.

The following regulations shall apply to premises used for marijuana cultivation in the incorporated area of the city:

A. The outdoor cultivation of marijuana, in any amount or quantity, is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter or with any other applicable provision of this Code or with state of federal law.

B. The cultivation of more than six marijuana plants on any premises is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter. The foregoing limitation shall be imposed regardless of the number of persons residing at the premises or participating directly or indirectly in the cultivation. Further, this limitation shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.

C. Except as provided in a Waiver granted in accordance with subdivision (F), the cultivation of marijuana, in any amount or quantity, upon any premises located within one thousand (1,000) feet of any school, school bus stop, school evacuation site, church, park, child care center, or youth-oriented facility is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter.

1. Except as provided in subdivision (C)(2), such distance shall be measured in a straight line from the boundary line of the premises upon which marijuana is cultivated to the boundary line of the premises upon which the school, school bus stop, school evacuation site, church, park, child care center, or youth- oriented facility is located.

2. If the premises is twenty (20) acres or greater in size, then such distance shall be measured in a straight line from the detached fully enclosed secure accessory structure in which the marijuana is cultivated required by subdivision (E)(1) to the boundary line of the premises upon which the school, school bus stop, school evacuation site, church, park, child care center, or youth-oriented facility is located.

D. Except as provided in a waiver granted in accordance with subdivision (F), the cultivation of marijuana, in any amount or quantity, within a residence or any other structure used or intended for human occupancy is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter.

E. Except as provided in a waiver granted in accordance with subdivision (F), the cultivation of marijuana, in any amount or quantity, upon any premises is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter, unless all of the following conditions are satisfied:

1. The cultivation of marijuana must be conducted within a detached fully enclosed secure accessory structure conforming to the following standards:

a. The structure shall be a building completely detached from any residence or other structure used or intended for human occupancy. The structure shall comply with Title 15 of this Code, and have a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments. The structure shall be secure against unauthorized entry, and accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two inch by four inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Exterior walls must be constructed with non-transparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

b. Any structure, regardless of square footage, constructed, altered or used for the cultivation of marijuana must obtain a building permit from the building official. The intended use of the structure for marijuana cultivation shall be disclosed in the application for a building permit, and the structure shall be inspected for compliance with this chapter prior to the commencement of any cultivation. The conversion of any existing accessory structure, or portion thereof, for cultivation of marijuana shall be subject to these same permit requirements, and must be inspected by the building official for compliance with this chapter prior to the commencement of any cultivation. Cultivation within any structure may not commence without final approval of the building official.

c. The maximum electrical panel for the structure shall be fifty (50) amps. Except for temporary use in case of emergency power loss, the use of generators to supply power to any system or activity associated with marijuana cultivation is prohibited.

d. Light systems utilized in connection with marijuana cultivation shall not exceed one thousand two hundred (1,200) watts, shall comply with all applicable provisions of Title 15 of this Code, and shall be shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure.

e. The structure shall be equipped with odor control filtration and ventilation system(s) adequate to prevent marijuana plant odors from exiting the interior of the structure.

f. The structure shall have locking doors and a working security system which shall consist of a standard audible residential alarm of at least ninety (90) dB A, but not exceeding one hundred ten (110) dB A.

g. Such structure shall be accessory to a permitted residential use in accordance with subdivision (G) of this section.

2. Each structure in which the marijuana is cultivated shall be set back at least ten (10) feet from all boundaries of the premises. Such setback distance shall be measured in a straight line from the structure in which the marijuana is cultivated to the boundary line of the premises.

F. The cultivation of marijuana, in any amount or quantity, upon any premises is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter, unless the person(s) owning, leasing, occupying, or having charge or possession of any premises have submitted the required annual registration for the premises to the city, and provided all of the following current information and documentation to the city:

1. The name of each person, owning, leasing, occupying, or having charge or possession of the premises;

2. The name of each person who participates in the cultivation, either directly or by providing reimbursement for marijuana or the services provided in conjunction with the provision of that marijuana;

3. The number of marijuana plants cultivated on the premises; and

4. Such other information and documentation as the city determines is necessary to ensure compliance with state law and this chapter.

5. If the person(s) cultivating marijuana on any legal parcel is/are not the legal owner(s) of the parcel, such person(s) shall submit a notarized letter from the legal owner(s) consenting to the cultivation of marijuana on the parcel. This letter shall be examined by city, and shall then be returned to the submitter. The city shall prescribe forms for such letters.

This information and documentation shall be received in confidence, and shall be used or disclosed only for purposes of administration or enforcement of this chapter or state law, or as otherwise required by law.

The City of Tehama may refuse to accept a registration for any premises upon which marijuana cultivation is being conducted, or is proposed to be conducted, in violation of this chapter. The acceptance of a registration pursuant to this chapter shall not be deemed or construed to be a permit for or approval of any violation of this chapter. The acceptance of a registration shall not prevent the enforcing officer from thereafter requiring correction of violations or from preventing marijuana cultivation being carried out thereunder when in violation of this chapter.

The city council may, by resolution, establish a fee for such annual registration in accordance with all applicable legal requirements.

Every registration under this chapter shall be valid for no more than one calendar year and shall expire on December 31 of that year. An expired registration shall be renewed in the same manner as an initial registration hereunder. In the event that the registration of any premises for any calendar year is submitted after March 1 of that year, the registrant shall pay a late registration penalty equal to fifty (50) percent of the applicable registration fee. The city may waive the late registration penalty if the failure to timely register was due to reasonable cause and not due to willful neglect.

At the time of registration, the owner or occupant of the premises may submit a written request that the city waive the application of any provision of subdivisions (C), (D), or (E) based upon a finding of unusual hardship or other good cause. Waiver requests shall not be unreasonably denied. In the event that the California Attorney General issues a determination under Health and Safety Code Section 11362.2, subdivision (b)(4), the foregoing waiver authority shall then also include subdivision (A). The director shall grant or deny each waiver request in writing, and may impose reasonable conditions upon any Waiver granted. If granted, the waiver shall remain valid until expiration of the registration, at which time the waiver shall also expire. Renewal of any such waiver may be requested at the same time as renewal of registration. If the waiver request is denied or conditioned, the owner or occupant may submit a written appeal to the city clerk of the council within ten (10) calendar days. If a hearing officer has been appointed, the appeal shall be heard by the hearing officer; otherwise the appeal shall be heard by the city council. The city council or hearing officer, as applicable, shall consider the matter de novo, and may affirm, reverse, or modify the determination of the administrator. The decision of the city council or hearing officer, as applicable, shall be final and conclusive.

G. The cultivation of marijuana, in any amount or quantity upon any premises is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter, unless the premises contains a permitted residential use. For purposes of this subdivision, "permitted residential use" shall mean actual residential use of the premises that is conducted in a residential structure or manufactured home on a permanent foundation for which a final certificate of occupancy has been issued in accordance with Title 15 of this Code.

H. The cultivation of marijuana, in any amount or quantity upon any premises, in connection with any "commercial cannabis activity," as defined in the Medical Cannabis Regulation and Safety Act, or any "commercial marijuana activity," as defined in the Adult Use of Marijuana Act, or by any licensee or person required to obtain a license under either statute, is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter.

I. No person owning, leasing, occupying, or having charge or possession of any premises within the city shall cause, allow, suffer, or permit such premises to be used for the outdoor or indoor cultivation of marijuana plants in violation of this chapter.

(Ord. No. 190 , § 7, 6-13-17)

Editor's note(s)—Ord. No. 190 Editor's note(s)—, §§ 6, 7Editor's note(s)—, adopted June 13, 2017, repealed the former § 17.32.030Editor's note(s)— and enacted a new § 17.32.030Editor's note(s)— as set out herein. The former § 17.32.030Editor's note(s)— pertained to cultivation of medical marijuana and derived from Ord. No. 180, adopted March 9, 2010.

17.32.040 Enforcement.

A. Public Nuisance. The violation of this section is hereby declared to be a public nuisance.

B. Abatement. A violation of this section may be abated by the city attorney by the prosecution of a civil action for injunctive relief and by the summary abatement procedure set forth in subsection C of this section.

C. Summary Abatement Procedure. The sheriff, building official, city Administrator, or a designee (hereafter, the "enforcement official"), are hereby authorized to order the abatement of any violation of this section by issuing a notice to abate. The notice shall:

1. Describe the location of and the specific conditions which represent a violation of this section and the actions required to abate the violation.

2. Describe the evidence relied upon to determine that a violation exists, provided that the enforcement official may withhold the identity of a witness to protect the witness from injury or harassment, if such action is reasonable under the circumstances.

3. State the date and time by which the required abatement actions must be completed.

4. State that to avoid the civil penalty provided in subsection (C)(8) of this section and further enforcement action, the enforcement official must receive consent to inspect the premises where the violation exists to verify that the violation has been abated by the established deadline.

5. State that the owner or occupant of the property where the violation is located has a right to appeal the notice by filing a written notice of appeal with the city clerk by no later than three business days from the service of the notice. The notice of appeal must include an address, telephone number, fax number, if available, and e-mail address, if available. The city may rely on any of these for service or notice purposes. If an adequate written appeal is timely filed, the owner or occupant will be entitled to a hearing as provided in subsection E of this section.

6. State that the order to abate the violation becomes final if a timely appeal is not filed or upon the issuance of a written decision after the appeal hearing is conducted in accordance with subsection E of this section.

7. State that a final order of abatement may be enforced by application to the superior court for an inspection and/or abatement warrant or other court order.

8. State that a final order to abate the nuisance will subject the property owner and the occupant to a civil penalty of five hundred dollars ($500.00) for each day that the violation continues after the date specified in the notice under subsection (C)(3) of this section, when the violation must be abated. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

9. State that in any administrative or court proceeding to enforce the abatement order the prevailing party is entitled to recover reasonable attorney fees from the other party or parties to the action, if the city elects, at the initiation of an individual action or proceeding, to seek recovery of its own attorney fees. In no action, administrative proceeding, or special proceeding shall an award of attorney fees to a prevailing party exceed the amount of reasonable attorney fees incurred by the city in the action or proceeding.

D. The notice described in subsection (C)(1) of this section shall be served in the same manner as summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure, or by certified mail, return receipt requested, at the option of the city. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation pursuant to Government Code Section 6062.

E. Not sooner than five business days after a notice of appeal is filed with the city clerk, a hearing shall be held before the city administrator or a hearing officer designated by the city administrator to hear such appeals. The appellant shall be given notice of the date, time and place of the hearing not less than five days in advance. The notice may be given by telephone, fax, e-mail, personal service or posting on the property. At the hearing, the enforcement official shall present evidence of the violation, which may include, but is not limited to, incident and police reports, witness statements, photographs, and the testimony of witnesses. The property owner and the occupant of the property where the violation is alleged to exist shall have the right to present evidence and argument in their behalf and to examine and cross examine witnesses. The property owner and property occupant are entitled at their own expense to representation of their choice. At the conclusion of the hearing, the city administrator or hearing officer shall render a written decision which may be served by regular first class mail on the appellants.

F. A final order to abate the nuisance will subject the property owner or owners and any occupant or occupants of the property who are cultivating marijuana in violation of this section to a civil penalty of five hundred dollars ($500.00) for each day that the violation continues after the date specified in the notice under subsection (C)(3) of this section, when the violation must be abated. The enforcement official or the city administrator or hearing officer hearing an appeal pursuant to subsection (C)(5) of this section may reduce the daily rate of the civil penalty for good cause. The party subject to the civil penalty shall have the burden of establishing good cause, which may include, but is not limited to, a consideration of the nature and severity of the violation, whether it is a repeat offense, the public nuisance impacts caused by the violation, and the violator's ability to pay. The daily penalty shall continue until the violation is abated. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

G. Violation. Cultivation of marijuana on parcels within the city that does not comply with this section constitutes a violation of the zoning ordinance and is subject to the penalties and enforcement as provided in subsections (C)(8) and (F) of this chapter.

H. Penalties Not Exclusive. The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others and none of these penalties and remedies prevent the city from using any other remedy at law or in equity which may be available to enforce this section or to abate a public nuisance.

(Ord. No. 180, 3-9-10)

17.32.050 No criminal penalty.

Notwithstanding any other provision of this Code, violation of this chapter shall not be a misdemeanor or an infraction.

(Ord. No. 190 , § 8, 6-13-17)

Chapter 17.36 MARIJUANA DISPENSARIES

Sections:

17.36.010 Purpose and intent.

It is the purpose and intent of this chapter to limit the distribution of medical marijuana to prevent adverse impacts to adjacent property owners, provide patient security, protect the health, safety and welfare of the public, and assure that medical marijuana does not find its way to non-patients or illicit markets.

This chapter is in compliance with the California Health and Safety Code Section 11362, and does not interfere with a patient's right to medical marijuana, nor does it criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, pursuant to Proposition 215 and Senate Bill 420.

(Ord. No. 182, 7-12-11)

17.36.020 Definitions.

Definitions for the terms referenced and used in this Chapter are located in Section 17.04.050 (Definitions).

(Ord. No. 182, 7-12-11)

17.36.030 Prohibition of marijuana dispensaries.

Notwithstanding any other provision of this code, the establishment, development, construction, maintenance, or operation of a marijuana dispensary is hereby prohibited, and is not a permitted or conditionally permitted use in any zoning district, even if located within an otherwise permitted use. No person shall establish, develop, construct, maintain, or operate a marijuana dispensary, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any marijuana dispensary shall be approved by the city of Tehama or any officer or employee thereof.

(Ord. No. 182, 7-12-11)

17.36.040 Enforcement.

A. Public Nuisance. The violation of this section is hereby declared to be a public nuisance.

B. Abatement. A violation of this section may be abated by the city attorney by the prosecution of a civil action for injunctive relief and by the summary abatement procedure set forth in subsection C of this section.

C. Summary Abatement Procedure.

1. The county sheriff, building official, city clerk, or a designee (hereafter, the "enforcement official"), are hereby authorized to order the abatement of any violation of this section by issuing a notice to abate. The notice shall:

    a. Describe the location of and the specific conditions which represent a violation of this section and the actions required to abate the violation.

    b. Describe the evidence relied upon to determine that a violation exists, provided that the enforcement official may withhold the identity of a witness to protect the witness from injury or harassment, if such action is reasonable under the circumstances.

    c. State the date and time by which the required abatement actions must be completed.

    d. State that to avoid the civil penalty provided in subsection (C)(1)(h) of this section and further enforcement action, the enforcement official must receive consent to inspect the premises where the violation exists to verify that the violation has been abated by the established deadline.

    e. State that the owner or occupant of the property where the violation is located has a right to appeal the notice by filing a written notice of appeal with the city clerk by no later than three business days from the service of the notice. The notice of appeal must include an address, telephone number, fax number, if available, and e-mail address, if available. The city may rely on any of these for service or notice purposes. If an adequate written appeal is timely filed, the owner or occupant will be entitled to a hearing as provided in subsection E of this section.

    f. State that the order to abate the violation becomes final if a timely appeal is not filed or upon the issuance of a written decision after the appeal hearing is conducted in accordance with subsection E of this section.

    g. State that a final order of abatement may be enforced by application to the superior court for an inspection and/or abatement warrant or other court order.

    h. State that a final order to abate the nuisance will subject the property owner and the occupant to a civil penalty of five hundred dollars ($500.00) for each day that the violation continues after the date specified in the notice under subsection (C)(1)(c) of this section, when the violation must be abated. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

    i. State that in any administrative or court proceeding to enforce the abatement order the prevailing party is entitled to recover reasonable attorney fees from the other party or parties to the action, if the city elects, at the initiation of an individual action or proceeding, to seek recovery of its own attorney fees. In no action, administrative proceeding, or special proceeding shall an award of attorney fees to a prevailing party exceed the amount of reasonable attorney fees incurred by the city in the action or proceeding.

D. The notice described in subsection (C)(1) of this section shall be served in the same manner as summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure, or by certified mail, return receipt requested, at the option of the city. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation or posting pursuant to Government Code Section 6062. If there are no newspapers of general circulation, only posting is required.

E. Not sooner than five business days after a notice of appeal is filed with the city clerk, a hearing shall be held before the city manager or a hearing officer designated by the city manager to hear such appeals. The appellant shall be given notice of the date, time and place of the hearing not less than five days in advance.

The notice may be given by telephone, fax, e-mail, personal service or posting on the property. At the hearing, the enforcement official shall present evidence of the violation, which may include, but is not limited to, incident and police reports, witness statements, photographs, and the testimony of witnesses. The property owner and the occupant of the property where the violation is alleged to exist shall have the right to present evidence and argument in their behalf and to examine and cross examine witnesses. The property owner and property occupant are entitled at their own expense to representation of their choice. At the conclusion of the hearing, the city manager or hearing officer shall render a written decision which may be served by regular first class mail on the appellants.

F. A final order to abate the nuisance will subject the property owner or owners and any occupant or occupants of the property who are cultivating marijuana in violation of this section to a civil penalty of five hundred dollars ($500.00) for each day that the violation continues after the date specified in the notice under subsection (C)(1)(c) of this section, when the violation must be abated. The enforcement official or the city manager or hearing officer hearing an appeal pursuant to subsection (C)(1)(e) of this section may reduce the daily rate of the civil penalty for good cause. The party subject to the civil penalty shall have the burden of establishing good cause, which may include, but is not limited to, a consideration of the nature and severity of the violation, whether it is a repeat offense, the public nuisance impacts caused by the violation, and the violator's ability to pay. The daily penalty shall continue until the violation is abated. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

G. Violation. Distribution of marijuana on parcels within the city that does not comply with this section constitutes a violation of the zoning ordinance and is subject to the penalties and enforcement as provided in subsections (C)(1)(h) and F of this chapter.

H. Penalties Not Exclusive. The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others and none of these penalties and remedies prevent the city from using any other remedy at law or in equity which may be available to enforce this section or to abate a public nuisance.

(Ord. No. 182, 7-12-11)

Chapter 17.60 Accessory Dwelling Units (ADUs)

Sections:

17.60.010. Purpose and Intent.

The purpose and intent of this Chapter is as follows:

A. Purpose. The purpose of this Chapter is to provide regulations for the development of accessory dwelling units and junior accessory dwelling units through a ministerial process consistent with California Government Code Section 65852.2.

B. Intent. The regulations in this Chapter are intended to:

1. Implement the provisions of the General Plan Housing Element;

2. Assure compliance with California Government Code Section 65852.2 and other relevant housing legislation;

3. Encourage the development of accessory dwelling units and junior accessory dwelling units;

4. Streamline and minimize governmental constraints on residential development; and

5. Minimize potential adverse impacts on the public health, safety, and general welfare that may be associated with accessory dwelling units and junior accessory dwelling units.

17.60.020. Acknowledgement.

The City recognizes the State of California is facing a severe housing crisis. The City acknowledges accessory dwelling units and junior accessory dwelling units expand lower cost housing opportunities and are an essential component of the City and State's housing supply.

17.60.030. Applicability.

The regulations established in this Chapter shall apply to all accessory dwelling units and junior accessory dwelling units where allowed in compliance with Section 17.60.040 (Where Allowed) of this Chapter and State law. Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit or junior accessory dwelling unit shall comply with the requirements of this Chapter and the California Building Code. An accessory dwelling unit or junior accessory dwelling unit that conforms to the standards of this Chapter shall not be:

A. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located;

B. Deemed to exceed the allowable density for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located;

C. Considered in the application of any City ordinance, policy, or program to limit residential growth; and

D. Required to correct a nonconforming zoning condition as defined in Section 17.04.050 (Definitions). This does not prevent the City from enforcing compliance with applicable building standards in compliance with Health and Safety Code Section 17980.12.

17.60.040. Where Allowed.

In compliance with California Government Code Section 65852.2, accessory dwelling units and junior accessory dwelling units shall be allowed by-right (ministerially permitted) in any zone which allows for residential uses. This includes mixed-use zoning districts which allow residential and zones which allow residential as a conditionally permitted use.

17.60.050. Permit Requirements and Processing Procedures.

An application for an accessory dwelling unit or junior accessory dwelling unit that complies with all applicable requirements of this Chapter and California Government Code Section 65852.2 shall be approved ministerially through the Building Permit process. A Building Permit application for an accessory dwelling unit on a parcel with an existing or proposed single-unit or multi-unit dwelling shall be acted upon within 60 days of the Building Permit application being complete. The Building Permit applicant may request a delay in the City processing of the Building Permit, which shall result in the tolling of the 60-day time period.

17.60.060. Types of Accessory Dwelling Units.

An accessory dwelling unit approved under this Chapter may be one of the following types:

A. Attached. An accessory dwelling unit that is created in whole or in part from newly constructed space that is attached to the proposed or existing primary dwelling, such as through a shared wall, floor, or ceiling.

B. Detached. An accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone

garage converted into an accessory dwelling unit. The detached accessory dwelling unit shall be located on the same parcel as the proposed or existing primary dwelling.

C. Converted. Is entirely located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure. See Section 17.16.100 (Standards Applicable to Converted Accessory Dwelling Units) of this Chapter.

D. Junior Accessory Dwelling Unit. A junior accessory dwelling unit is a unit that meets all the following (see Section 17.16.170 (Standards Applicable to Junior Accessory Dwelling Units) for additional regulations):

1. Shall only be allowed on parcels zoned for single-family residences and that include an existing or proposed single-family dwelling.
2. Is entirely located within a proposed or existing primary single-family dwelling.
3. Has independent exterior access from the primary dwelling.
4. Has sanitation facilities that are either shared with or separate from those of the primary dwelling.
5. Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

17.60.070. Types and Number of Units Allowed.

A. Single-Family Dwelling Zones. Accessory dwelling units and junior accessory dwelling units are allowed in single-family residential zones in the following combinations:

1. One Attached Unit and One Junior Accessory Dwelling Unit. One attached accessory dwelling unit and one junior accessory dwelling unit shall be allowed on a parcel with a proposed or existing single-family dwelling.
2. One Converted Unit and One Junior Accessory Dwelling Unit. One converted space accessory dwelling unit and one junior accessory dwelling unit shall be allowed on a parcel with a proposed or existing single-family dwelling.
3. One Detached Unit and One Junior Accessory Dwelling Unit. One detached accessory dwelling unit and one junior accessory dwelling unit shall be allowed on a parcel with a proposed or existing single-family dwelling.

B. Multi-Family Dwelling Areas. Accessory dwelling units are allowed in multi-family dwelling zones in the following combinations:

1. Converted Spaces within a Multi-Family Residential Dwelling Structure.
    a. Within any multi-family residential dwelling structure used exclusively for residential use, portions of such structures that are not used as livable space may be converted to accessory dwelling units, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an accessory dwelling unit complies with minimum State building standards for dwellings.
    b. At least one accessory dwelling unit shall be allowed within an existing multi-family dwelling structure if the total number of accessory dwelling units within the structure does not exceed 25 percent of the existing units.
2. Detached Accessory Dwelling Units. Up to two detached accessory dwelling units shall be allowed on a parcel where a multi-family residential dwelling structure exists.

17.60.080. Standards Applicable to All Accessory Dwelling Units.

The following standards apply to all accessory dwelling units and junior accessory dwelling units constructed on or moved to a new parcel and to the remodeling or rebuilding of existing single-family residential dwelling or multi-family residential dwelling structures to create an accessory dwelling unit.

A. Parcel Size and Width. No minimum parcel size or parcel width standards shall apply to the construction of an accessory dwelling unit.

B. Parcel Coverage. An accessory dwelling unit shall comply with the parcel coverage requirements of the applicable zoning district, except in the case where the allowable parcel coverage would preclude an accessory dwelling unit, one attached or detached accessory dwelling unit with a maximum size of 800 square feet, regardless of the number of bedrooms, shall be allowed and shall comply with the requirements of this Chapter.

C. Owner Occupancy. The property owner is not required to occupy the accessory dwelling unit or primary dwelling located on the parcel.

D. Separate Access Required. An accessory dwelling unit shall have exterior access that is separate from the exterior access for the primary dwelling.

E. Fire Sprinklers. Fire sprinklers are required in an accessory dwelling unit if they are required in the primary dwelling per the California Building Code.

F. Permanent Foundation.

1. All accessory dwelling units shall be permanently attached to a permanent foundation as defined by the California Building Code.

2. The use of a recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, boat, or other apparatus not designed for permanent human habitation is prohibited.

G. Nonconforming Conditions. The correction of nonconforming zoning conditions is not required in order to establish an accessory dwelling unit on a parcel with a primary dwelling.

H. Illegal Units. This Chapter shall not validate any existing illegal accessory dwelling units or junior accessory dwelling units. The standards and requirements for the conversion of an illegal accessory unit to a legal conforming unit shall be the same as for a new accessory dwelling unit.

I. Design. Accessory dwelling units shall comply with the following general design standards:

1. Accessory dwelling units shall be designed and constructed to architecturally and aesthetically match the existing dwelling(s). Architectural Compatibility. The design of a Accessory dwelling unit shall demonstrate an architectural relationship to the primary dwelling on the parcel. The architectural relationship shall be demonstrated using a combination of two or more of the following:

a. The primary dwelling and accessory dwelling unit use the same roof pitch;

b. The primary dwelling and accessory dwelling unit use the same roof materials;

c. The primary dwelling and accessory dwelling unit are painted the same colors;

d. The primary dwelling and accessory dwelling unit use the same exterior materials;

e. The primary dwelling and accessory dwelling unit use the same window and door fenestration; and/or

f. The primary dwelling and accessory dwelling unit use are the same architectural style.

2. Within any historic district zone or historic district overlay zone, the design of accessory dwelling units shall be consistent with the design and development guidelines applicable to such zones.

3. If the accessory dwelling unit is a manufactured home, the manufactured home shall be erected and permanently attached on a permanent foundation and shall be made to match the primary dwelling in terms of architectural style, exterior materials and colors, and roof pitch.

J. No Separate Conveyance. Except as provided in Government Code Section 65852.26, an accessory dwelling unit shall not be sold or otherwise conveyed separately from the parcel and the primary dwelling(s).

K. Rental Term. No accessory dwelling unit shall be rented for a term of less than 30 days.

L. Impact Fees. No impact fees (including school fees) shall be charged to an accessory dwelling unit that is less than 750 square feet in size. Any impact fee charged to an accessory dwelling unit 750 square feet or larger in size shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g. the floor area of the primary dwelling, divided by the floor area of the accessory dwelling unit, times the typical fee amount charged for a new dwelling). For purposes of calculating the fees for an accessory dwelling unit on a lot with a multi-family dwelling, the proportionality shall be based on the average square footage of the units within that multi-family dwelling structure. For accessory dwelling units converting existing space with a 150 square foot expansion, a total unit square footage over 750 square feet shall be charged proportionately in relation to the square footage of the primary dwelling unit(s).

17.60.090. Additional Standards Applicable to Attached and Detached Accessory Dwelling Units.

The following standards shall apply only to attached and detached accessory dwelling units.

A. Unit Size Requirements. Attached and detached accessory dwelling units shall comply with the following unit size requirement:

1. Attached Units. May not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms. No more than two bedrooms are allowed. an attached accessory dwelling unit shall not exceed 50 percent of the floor area of the primary dwelling.

2. Detached Units. May not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms. No more than two bedrooms are allowed.

3. Unit Type Combinations. A detached, new construction accessory dwelling unit may be combined on the same pacel with one junior accessory dwelling unit. When combined with a junior accessory dwelling unit, the maximum size of the detached accessory dwelling unit is limited to 800 square feet, regardless of the number of bedrooms.

4. Measurement of Unit Size. Square footage is measured from the exterior walls at the building envelope, excluding any garage area or unenclosed covered porch areas. For the purposes of measurement all attached and/or interior storage areas, mezzanines, lofts, attics (except those less than seven feet in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage.

B. Height. Accessory dwelling units are limited to a maximum height of 16 feet, except as established below:

1. Detached Units Located Adjacent Transit Services. If a detached accessory dwelling is located within a half-mile of a major transit stop or high-quality transit corridor, as defined in Chapter 17.04 (General Provisions and Definitions), the unit is limited to a maximum height of 18 feet, and may be up to two feet taller, for a maximum of 20 feet, if necessary to match the roof pitch of the primary dwelling unit.

2. Detached Units on Multi-Family Residential Dwelling Parcels. If a detached accessory dwelling is located on a parcel with a multistory, multi-family dwelling structure, the detached accessory dwelling unit is limited to a maximum height of 18 feet.

3. Accessory Dwelling Units Above Garages. An accessory dwelling unit located above a detached garage is limited to a maximum height of 25 feet.

4. Attached Units. An accessory dwelling attached to the primary dwelling is limited to the height allowed in the underlying zoning district.

C. Parking. One off-street parking space is required for an accessory dwelling unit in addition to that required for the primary dwelling, except as established below.

1. No off-street parking shall be required if any of the following circumstances exist:

a. The accessory dwelling unit is located within one-half mile of public transit.

b. The accessory dwelling unit is located on a property which is recognized as historically significant.

c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

e. Where there is a car share vehicle located within one block of the accessory dwelling unit.

2. The required off-street parking space may be covered or uncovered and shall be allowed in tandem and in setback areas, unless the review authority makes specific findings that such parking is not feasible due to specific site topographical or fire and life safety conditions.

3. If a garage, carport, or covered parking is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking is not required.

17.60.100. Standards Applicable to Converted Accessory Dwelling Units.

The following standards apply only to converted accessory dwelling units:

A. Limited Expansion. Conversions may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.

B. Exterior Access Required. The converted space or structure shall have exterior access.

C. Setbacks. An accessory dwelling unit or portion of an accessory dwelling unit located within the existing space of an existing dwelling or within an existing detached accessory structure shall not require a setback from the rear, street side, or interior side property lines.

D. Parking. No additional off-street parking is required for the converted accessory dwelling unit. If replacement parking is provided, the replacement spaces shall be located in any configuration on the same parcel as the accessory dwelling unit and may include but is not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space or in rear yard on a paved surface.

E. Unit Size Requirements. The conversion of an existing accessory structure or a portion of the existing primary dwelling to an accessory dwelling unit is not subject to unit size requirements established in this

Chapter. For example, if an existing 2,000 square-foot accessory structure was converted to an accessory dwelling unit, it would not be subject to the established unit size requirements.

17.60.110. Standards Applicable to Junior Accessory Dwelling Units.

The following standards apply only to junior accessory dwelling units.

A. Where Allowed. Junior accessory dwelling units shall only be allowed on parcels zoned for single-family residential dwellings and that include an existing or proposed single-family dwelling.

B. Location on Parcel. A junior accessory dwelling unit shall be allowed in the following locations:

1. Within the walls of an existing or proposed single-unit dwelling.

2. Combined with a detached or new construction accessory dwelling unit. When combined with a junior accessory dwelling unit, the maximum size of the accessory dwelling unit is limited to 800 square feet, regardless of the number of bedrooms.

C. Number of Units Per Parcel. A maximum of one junior accessory dwelling unit shall be allowed on any parcel.

D. Unit Size Requirements. The total area of floor space for a junior accessory dwelling unit shall not exceed 500 feet and shall not expand the size of an existing single-family dwelling by more than 150 square feet, provided such expansion is provided solely for the purpose of accommodating ingress and egress.

E. Efficiency Kitchen. A junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:

1. A sink with a maximum waste line drain of one-and-on-half inches;

2. A cooking facility with appliances which do not require electrical service greater than one 120 volts or natural or propane gas;

3. A food preparation counter or counters that total at least 15 square feet in area; and

4. Food storage cabinets that total at least 30 square feet of shelf space.

F. Parking. No off-street parking is required for the junior accessory dwelling unit.

G. Entrance. The junior accessory dwelling unit shall include an exterior entrance separate from the main entrance to the existing or proposed single-family dwelling. If a bathroom facility is not shared with the single-unit dwelling, the junior accessory dwelling may, but is not required to, include an interior entry into the main living area, which may include a second interior doorway for sound attenuation.

H. Deed Restriction. Junior accessory dwelling units shall comply with the following deed restriction requirements:

1. Deed Restriction Required. Prior to issuance of a Building Permit for a junior accessory dwelling unit, a deed restriction shall be recorded against the title of the property in the Tehama Recorder's office and a copy filed with the City. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the City and shall provide that:

a. The junior accessory dwelling unit shall not be sold separately from the primary dwelling, except as may otherwise be permitted by State law.

b. The junior accessory dwelling unit is restricted to the approved size and other attributes allowed by this Section.

c. The deed restriction runs with the land and shall be enforced against future property owners.

2. Deed Restriction Removal. The deed restriction may be removed if the property owner eliminates the junior accessory dwelling unit. To remove the deed restriction, a property owner shall make a written request of the City, providing evidence that the junior accessory dwelling unit is eliminated. The City shall determine the junior accessory dwelling unit has been eliminated. If the junior accessory dwelling unit is not entirely physically removed but is only eliminated by virtue of having a necessary component of a junior accessory dwelling unit removed, the remaining structure and improvements shall otherwise comply with all applicable development and building standards.
3. Enforcement. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.

Chapter 17.62 DENSITY BONUSES AND AFFORDABLE HOUSING INCENTIVES

Sections:

17.62.010 Purpose and Intent.

Residential development shall comply with the allowability of density bonuses, incentives, exemptions, and concessions in compliance with State Density Bonus Law (Government Code Section 65915, as revised). Government Code 65915 requires the City to provide incentives for affordable housing, senior housing, and childcare facilities.

Chapter 17.83 WIND ENERGY SYSTEMS

Sections:

17.83.010. Purpose.

This article establishes development and operating standards for wind energy systems to minimize negative impacts on neighboring properties, implement state and federal law, and ensure the orderly development of a diversity of land uses within the county.

(Ord. No. 189 , § 1, 11-10-15)

17.83.020. Definitions.

Definitions for the terms referenced and used in this Chapter are located in Section 17.04.050 (Definitions).

(Ord. No. 189 , § 1, 11-10-15)

17.83.030 Uses permitted.

Notwithstanding any other provisions of this title, wind energy systems are allowed only on properties that are at least ten (10) acres in size in the following zone districts, subject to the following conditions:

Zoning Districts	Residential	Open Space
Small wind energy system	C	P
Wind power facility	X	X
Dual purpose wind system	X	X

P = PERMITTED USE, C = PERMITTED WITH APPROVAL OF A USE PERMIT, X = NOT ALLOWED

(Ord. No. 189 , § 1, 11-10-15)

17.83.040. Allowable number of towers and wind turbines.

A. Towers.

1. Small wind energy systems and dual purpose wind energy systems: No more than one wind energy tower may be located on any single premises.

2. Wind Power Facilities: The city council/planning commission shall specify the permitted number of towers through the use permit process.

(Ord. No. 189 , § 1, 11-10-15)

17.83.050. Height.

The total height of wind energy systems is measured as the vertical distance from the ground level to the tip of a wind generator blade when the tip is at its highest point, and shall not exceed the following maximum height requirements:

A. Wind Towers: Small and dual purpose wind energy systems shall not exceed eighty (80) feet unless the city council/planning commission approves additional height through the use permit process.

B. Wind Power Facilities: The city council/planning commission shall specify the maximum height through the use permit process.

(Ord. No. 189 , § 1, 11-10-15)

17.83.060. Location.

Small and dual purpose wind energy systems shall be located in the rear yard portion of any lot where permitted, unless otherwise approved by the city council/planning commission. Wind power facility locations shall be determined by the city council/planning commission through the use permit process subject to all applicable laws, ordinance, and enforceable restrictions applicable to the property.

(Ord. No. 189 , § 1, 11-10-15)

17.83.070. Setbacks.

A. Wind energy systems shall not be permitted within one 1,000 feet of the following:

1. A residence, excepting residences on the same premises and other residences owned by the applicant at the time the application is approved.
2. The outer boundaries of any parcel.
3. A property listed on the National Register of Historic Places or the California Register of Historical Resources.

B. Tower Setbacks.

1. All wind energy system towers shall be located outside of the setback for the zone district and at least 1.2 times its height from all property boundaries.
2. Wind energy systems shall be placed and oriented to avoid casting a shadow on any off-site structure.

(Ord. No. 189 , § 1, 11-10-15)

17.83.080 Noise.

Noise levels resulting from normal operation of wind energy systems shall not exceed noise standards for non-transportation noise set forth in the Noise Element of the 2009—2029 Tehama County General Plan, Table 9-7, as measured at the nearest property line. Applications for permitted or conditionally permitted wind energy systems shall include noise specifications and/or noise studies demonstrating consistency with those standards.

(Ord. No. 189 , § 1, 11-10-15)

17.83.090 Color of towers.

All towers shall be painted a neutral, non-reflective color, except when obstruction marking is required for aviation purposes.

(Ord. No. 189 , § 1, 11-10-15)

17.83.100 Advertising/Signage.

Appropriate warning signs, no larger than four square feet, shall be placed on or near wind energy systems. Wind energy systems and related equipment will not be used to advertise or promote any product or service other than the manufacturer's identification up to a size not to exceed thirty-two (32) square feet.

(Ord. No. 189 , § 1, 11-10-15)

17.83.110 Maintenance.

All wind energy systems that are not in use for a period of six continuous months shall be considered abandoned. Abandoned wind energy systems are hereby designated as unlawful and as public nuisances, requiring no amortization period. Prior to issuance of the building permit for the installation of any wind energy system, the director of planning or city administrator may require the applicant to post a performance security in an amount and form determined by the director that is sufficient to cover the cost of removal of the system in the event that such system is abandoned, or if the permit has been terminated for violation of its conditions by the county after hearing. If the director of planning determines that the system is abandoned, the planning director may initiate appropriate proceedings under this Code to revoke the permit for the system and require the property owner to timely remove all portions of the system from the premises. If such system is not timely removed as provided herein, the county may abate the nuisance in accordance with Chapter 8.08 of this Code.

(Ord. No. 189 , § 1, 11-10-15)

17.83.120 Williamson Act Lands.

Small energy systems shall be permitted on lands encumbered by the Williamson Act, where otherwise permitted in accordance with Section 17.83.030. Wind power facilities and dual purpose wind energy systems are prohibited on lands subject to a Williamson Act or Farmland Security Zone contract.

(Ord. No. 189 , § 1, 11-10-15)

Chapter 17.84 SOLAR ENERGY SYSTEMS

17.84.010 Purpose.

This article establishes development and operating standards for solar energy systems to minimize negative impacts on neighboring properties, implement state and federal law, and ensure the orderly development of a diversity of land uses within the county.

(Ord. No. 189 , § 2, 11-10-15)

17.84.020 Definitions.

Definitions for the terms referenced and used in this Chapter are located in Section 17.04.050 (Definitions).

(Ord. No. 189 , § 2, 11-10-15)

17.84.030 Uses permitted.

Notwithstanding any other provisions of this title, small and dual purpose solar energy systems and solar power facilities are allowed only in the following zone districts, subject to the following conditions:

Zoning Districts	Residential	Open Space-1
Small Solar Energy System	P	P
Solar Power Facility	X	C
Dual Purpose Solar System	C	C

P = PERMITTED USE, C = PERMITTED WITH APPROVAL OF A USE PERMIT, X = NOT ALLOWED

(Ord. No. 189 , § 2, 11-10-15)

17.84.040 Height.

A. Solar panels shall comply with the maximum permitted height of the zoning district.

B. Attachment to existing buildings and towers shall comply with the maximum permitted height of the zoning district.

(Ord. No. 189 , § 2, 11-10-15)

17.84.050 Location.

Small and dual purpose wind energy systems shall only be located in the rear yard portion of any lot where permitted, except when the solar energy system is attached to a building. Solar power facility locations shall be determined by the city council/planning commission through the use permit process.

(Ord. No. 189 , § 2, 11-10-15)

17.84.060 Setbacks.

Small solar energy systems, dual purpose solar systems, and solar power facilities must meet the required setbacks established by the zone district.

(Ord. No. 189 , § 2, 11-10-15)

17.84.070 Maintenance.

All solar energy systems that are not in use for a period of six continuous months shall be considered abandoned. Abandoned solar energy systems are hereby designated as unlawful and as public nuisances, requiring no amortization period. Prior to issuance of the building permit for the installation of any solar energy system, the director of planning may require the applicant to post a performance security in an amount and form determined by the director that is sufficient to cover the cost of removal of the system in the event that such system is abandoned, or if the permit has been terminated for violation of its conditions by the city after hearing. If the director of planning determines that the system is abandoned, the planning director may initiate appropriate proceedings under this Code to revoke the permit for the system and require the property owner to timely remove all portions of the system from the premises. If such system is not timely removed as provided herein, the county may abate the nuisance in accordance with Chapter 8.08 of this Code.

(Ord. No. 189 , § 2, 11-10-15)

17.84.080 Williamson Act Lands.

Small solar energy systems shall be permitted on lands encumbered by the Williamson Act, subject to 17.83.030 uses permitted requirements. Solar power facilities and dual purpose solar energy systems are prohibited on lands subject to a Williamson Act or Farmland Security Zone contract, excepting where the project qualifies for placement into a solar use easement pursuant to Government Code Sections 51190 et seq.

A. A decommissioning plan is required with an application submitted for a solar power facilities and dual purpose solar energy systems on lands subject to a Williamson Act or Farmland Security Zone contract where the project qualifies for placement into a solar-use easement pursuant to Government Code Sections 51190 et seq.

B. Where consistent with applicable law and the general welfare, an Agreement providing for mitigation of the impacts of the project shall be entered into between the county and the land owner, or the operator of a solar power facility and/or dual purpose solar energy system on lands subject to a Williamson Act or Farmland Security Zone contract where the project qualifies for placement into a solar-use easement pursuant to Government Code Sections 51190 et seq.

(Ord. No. 189 , § 2, 11-10-15)

This ordinance repeals any ordinance or section thereof in conflict with Ordinance 198 and amends Section 17 of the City of Tehama Municipal Code.

There being no newspaper published or of general circulation in the City of Tehama, this ordinance shall be posted in at least three public places within said City.

The foregoing Ordinance was introduced at a regular meeting of the Tehama City on the 9th day of May, 2023, and thereafter adopted on the 13th day of June, 2023 by the following vote:

AYES:
NOES:
ABSENT OR NOT VOTING:

ATTEST:

City Clerk Mayor

CERTIFICATE OF POSTING

STATE OF CALIFORNA)
COUNTY OF TEHANA (
CITY OF TEHAMA)

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 197 duly passed and adopted by the City Council of the City of Tehama on the 13th day of June, 2023, and that said Ordinance was duly posted in at least three public places in the City of Tehama on