

## **ORDINANCE NO. 2008-05**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PALMA AMENDING CHAPTERS 13 AND 26 OF THE LA PALMA CITY CODE PERTAINING TO COMPLIANCE WITH CITY, STATE, AND FEDERAL LAWS AND REGULATIONS**

**WHEREAS**, the City Council of the City of La Palma wishes to protect and preserve the quality of the residential, commercial, and industrial areas of the City, as well as the quality of life throughout the City, through effective land use and planning; and

**WHEREAS**, the City Council has determined that it is in the public's interest to modify the existing City Code provisions relating to city permits, licenses and approvals, to ensure that permitted and licensed uses comply with city, state and federal laws and regulations; and

**WHEREAS**, Section 1-10 and Chapter 26, Article IV, Division 7, of the La Palma City Code prescribe a method of repealing, amending, and adding portions of the City Code, which shall be made by Ordinance; and

**WHEREAS**, the City has initiated consideration of this Ordinance to amend Chapters 13 and 26 of La Palma City Code pertaining to compliance with City, State, and Federal laws and regulations; and

**WHEREAS**, on October 21, 2008, the Planning Commission of the City of La Palma conducted a duly noticed public hearing on the Ordinance and considered testimony and evidence at the hearing held with respect thereto, and thereafter transmitted its recommendation to the City Council; and

**WHEREAS**, on November 18, 2008, the City Council of the City of La Palma conducted a duly noticed public hearing on the Ordinance and considered testimony and evidence at the hearing held with respect thereto.

**NOW, THEREFORE**, the City Council of the City of La Palma DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** Section 13-17 of Chapter 13 of the La Palma City Code is hereby amended to read, in its entirety, as follows:

Sec. 13-17. Compliance with additional regulations prerequisite.

- (a) No license shall be issued to any person failing to present any land use permit required by Chapter 26 or who has failed to comply with the provisions of any other regulation having to do with trade, business or occupation or for a use that is not in compliance with all city, state, and federal laws and regulations.
- (b) A business license shall only be issued after approval of all departments possessing any regulatory powers over the business of the applicant, and after compliance with all applicable requirements of this Code.

**SECTION 2:** The introductory paragraph of Section 26-34 of Chapter 26 of the La Palma City Code is hereby amended to read as follows:

Sec. 26-34. Allowable uses.

The following table indicates those uses that are permitted as of right (P), allowed subject to the approval of a conditional use permit (C), allowed as an accessory use (A), allowed with the approval of a temporary use permit (T), special permit (S), or adult oriented business permit (D), or prohibited (X). No uses shall be allowed which are not in compliance with all city, state, and federal laws and regulations.

**SECTION 3:** Footnote (a) to Table II-5 of Section 26-34 is hereby amended to read as follows:

(a) Uses not listed in table. Land uses that are not listed in Table II-5 as allowed or prohibited may be permitted if: (1) the director of community development determines that the use is consistent with the purpose and intent of the applicable district as set forth in Sec. 26-32, and (2) a conditional use permit is approved in compliance with Section Article V, Division 5, and the use is in compliance with all city, state, and federal laws and regulations.

**SECTION 4:** Section 26-152(b) of Chapter 26 of the La Palma City Code is hereby amended to read as follows:

(b) The proposed use would be consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plan and is in compliance with all city, state, and federal laws and regulations.

**SECTION 5:** Section 26-165(b) of Chapter 26 of the La Palma City Code is hereby amended to read as follows:

(b) The proposed use is consistent with the goals, policies, general land uses, and programs of the general plan, and any applicable specific plan and is in compliance with all city, state, and federal laws and regulations.

**SECTION 6:** Section 26-188(b) of Chapter 26 of the La Palma City Code is hereby amended to read as follows:

(b) Activities that constitute a public nuisance. Any establishment regulated by this article, operated, conducted, or maintained contrary to the provisions of this division or not in compliance with all city, state, and federal laws and regulations shall be declared to be unlawful and a public nuisance. The city attorney may prosecute a criminal action hereunder. The city attorney may, in-lieu of prosecution, commence an action(s), proceeding(s) for the abatement, removal, and enjoinder thereof in the manner provided by law; and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishments and restrain and enjoin any person from operating, conducting, or maintaining an establishment contrary to the provisions of this chapter.

**SECTION 7:** Section 26-191(d)(2) of Chapter 26 of the La Palma City Code is hereby amended to read as follows:

(2) The applicant has complied with all the provisions of this code and is in compliance with all city, state, and federal laws and regulations.

**SECTION 8:** Section 26-192(b)(2) of Chapter 26 of the La Palma City Code is hereby amended to read as follows:

(2) The applicant has complied with all the provisions of this code and is in compliance with all city, state, and federal laws and regulations.

**SECTION 9:** Section 26-193(b)(1)(b) of Chapter 26 of the La Palma City Code is hereby amended to read as follows:

b. The applicant has complied with all the provisions of this code and is in compliance with all city, state, and federal laws and regulations.

**SECTION 10:** Section 26-193(b)(2)(b) of Chapter 26 of the La Palma City Code is hereby amended to read as follows:

b. The applicant has complied with all the provisions of this code and is in compliance with all city, state, and federal laws and regulations.

**SECTION 11:** Section 26-194(c)(3) of Chapter 26 of the La Palma City Code is hereby amended to read as follows:

(3) The applicant has complied with all the provisions of this code and is in compliance with all city, state, and federal laws and regulations.

**SECTION 12:** Section 26-204(a) of Chapter 26 of the La Palma City Code is hereby amended to read as follows:

(a) The operation of the requested temporary use at the location proposed within the time period specified will not jeopardize, endanger, or otherwise constitute a hazard to the public convenience, health, safety, or general welfare and is not for a use that is not in compliance with all city, state, and federal laws and regulations.

**SECTION 13:** The City Council finds and determines that the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) [14 C.C.R. § 15061(b)(3)] which sets forth the rule that "CEQA" applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**SECTION 14:** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each, section subdivision, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that one or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid.

**SECTION 15:** All required proceedings and considerations precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

**SECTION 16:** The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken, and to cause a Notice of Exemption to be filed in accordance with CEQA with respect to the adoption of this Ordinance.

**APPROVED AND ADOPTED** by the City Council of the City of La Palma at a regular meeting held on the 2nd day of December, 2008.

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Mark Waldman, Mayor

ATTEST:

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Laurie A. Murray, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS.  
CITY OF LA PALMA )

I, LAURIE A. MURRAY, City Clerk of the City of La Palma, DO HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council of said City at a regular meeting of said City Council held on the 2nd day of December, 2008, and that it was so adopted by called vote as follows:

AYES: Charoen, Herman, Rodriguez, Shanahan, and  
Waldman

NOES: None

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Laurie A. Murray, City Clerk