

ORDINANCE NO. 1435

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, REPEALING SECTION 3.36.230 (OVERSIGHT COMMITTEE) OF CHAPTER 3.36 (UTILITY USERS TAX) OF TITLE 3 (REVENUE AND FINANCE) AND SECTION 12.20.030 (ENERGY, ENVIRONMENT, AND NATURAL RESOURCES) OF CHAPTER 12.20 (TREE PRESERVATION AND PROTECTION) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) AND AMENDING SECTION 8.28.020 (DEFINITIONS) OF CHAPTER 8.20 (PROTECTED FIRE AREAS) AND SECTION 8.36.140 (VEGATATION MANAGEMENT PLAN) OF CHAPTER 8.36 (HAZARDOUS BRUSH CLEARANCE) OF TITLE 8 (HEALTH AND SAFETY), SECTION 12.20.020 (DEFINITIONS) AND SECTION 12.20.145 (CONSERVATION EASEMENTS) OF CHAPTER 12.20 (TREE PRESERVATION AND PROTECTION) AND CHAPTER 12.24 (PUBLIC PARKS AND RECREATION CENTERS) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES), SECTION 15.40.010 (GENERAL REGULATIONS) OF CHAPTER 15.40 (MOVING) OF TITLE 15 (BUILDINGS AND CONSTRUCTION), SECTION 17.72.040 (SIGN REGULATIONS—R-1 AND R-2 ZONES) OF CHAPTER 17.72 (SIGNS) AND SECTION 17.82.020 (PURPOSE AND INTENT) OF CHAPTER 17.82 (HISTORIC PRESERVATION) OF TITLE 17 (ZONING) OF THE SIERRA MADRE MUNICIPAL CODE TO CORRECT INCONSISTENT AND OUTDATED REFERENCES

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1. Deletion.** Section 3.36.230 (Oversight Committee) of Chapter 3.36 (Utility Users Tax) of Title 3 (Revenue and Finance) of the Sierra Madre Municipal Code is repealed in its entirety.

**SECTION 2. Deletion.** Section 12.20.030 (Energy, environment and natural resources commission) of Chapter 12.20 (Tree Preservation and Protection) of Title 12 (Streets, Sidewalks and Public Places) of the Sierra Madre Municipal Code is repealed in its entirety.

**SECTION 3. Amendment.** Section 8.28.020 (Definitions) of Chapter 8.20 (Protected Fire Areas) of Title 8 (Health and Safety) of the Sierra Madre Municipal Code is amended to read as follows, with deletions denoted by ~~struck-through~~ text and additions denoted by underlined text:

"Commission" means the fire commission.

~~The city council may appoint a fire commission for investigation and appeal purposes as designated in this chapter. The fire commission when established shall continue until the following July 1st and may be reappointed and reconstituted for annual one year terms thereafter. Said commission shall consist of five members appointed by the city council, who~~

~~shall serve without compensation at the pleasure of the city council. The fire chief and city administrator shall serve ex-officio, should any of the following occur:~~

- ~~1. The city council does not appoint said commission;~~
- ~~2. The city council fails to reappoint or reconstitute the commission at the end of any one year term; or~~
- ~~3. The fire commission fails to meet by a quorum of its members within fifteen days after any call for a meeting by its chairman; then the fire commission shall be dissolved and all of its functions set forth in this chapter shall be exercised by the city council in place thereof.~~

**SECTION 4. Amendment.** Section 8.36.140 (Vegetation Management Plan) of Chapter 8.36 (Hazardous Brush Clearance) of Title 8 (Health and Safety) of the Sierra Madre Municipal Code is amended to read as follows, with deletions denoted by ~~struck-through~~ text and additions denoted by underlined text:

8.36.140 - Vegetation management plan.

Where vegetation modification beyond the requirements of Section 8.36.030 is conducted on 1) any developed property larger than five acres or 2) on any undeveloped parcel, a vegetation management plan shall be submitted to the city for review and approval prior to any clearing or grubbing. A vegetation management plan reduces the amount of fuel available, thus reducing the probability of a rapidly spreading wildfire, while taking into account the desire to maintain open space and preserve hillsides in their natural condition.

A. A vegetation management plan shall be used for controlling, changing or modifying wildland areas, beyond defensible space perimeters as defined in Section 8.36.030. Elements of the plan include removal of slash (cut fuels), snags, ladder fuels (vegetation that provides for spread of fire from ground fuels to aerial fuels), and dead trees, and the thinning of live trees and native vegetation.

1. Vegetation management plans which propose to remove or substantially trim any protected tree specie as defined by SMMC Chapter 12.20, shall be reviewed ~~by the tree advisory commission~~ by the director and referred to the energy, environment and natural resources commission at his discretion.

**SECTION 5. Amendment.** Section 12.20.020 (Definitions) of Chapter 12.20 (Tree Preservation and Protection) of Title 12 (Streets, Sidewalks and Public Places) of the Sierra Madre Municipal Code is amended to read as follows, with deletions denoted by ~~struck-through~~ text and additions denoted by underlined text:

12.20.020 - Definitions.

"Tree expert" means a professional forester, arborist or an authority whose academic training and/or long practical experience, as determined by the ~~tree advisory commission~~ energy, environment and natural resources commission, allows that person to reliably recommend the removal or preservation of trees based on their species, location, health, form, longevity and monetary value. Such person may be a resident of the city volunteering his/her services, a city employee, or a member of the commission appointed to the position of tree expert by the commission.

**SECTION 6. Amendment.** Section 12.20.145 (Conservation easements) of Chapter 12.20 (Tree Preservation and Protection) of Title 12 (Streets, Sidewalks and Public Places) of the Sierra Madre Municipal Code is amended to read as follows, with deletions denoted by ~~struck-through~~ text and additions denoted by underlined text:

#### 12.20.145 - Conservation easements.

Any property owner may petition the city to establish a conservation easement to set aside all or a portion of any parcel of land in perpetuity to provide for the preservation and protection of trees deemed worthy of special concern by resolution of the city council. All petitions shall be reviewed by the ~~tree advisory energy, environment and natural resources commission~~, which shall make written recommendations to the city council on the feasibility and desirability of protective easements.

**SECTION 7. Amendment.** Chapter 12.24 (Public Parks and Recreation Centers) of Title 12 (Streets, Sidewalks and Public Places) of the Sierra Madre Municipal Code is amended to read as follows, with deletions denoted by ~~struck-through~~ text and additions denoted by underlined text:

#### Chapter 12.24 - PUBLIC PARKS AND RECREATION CENTERS

##### 12.24.010 - Public parks, recreation centers and public places defined.

The terms "public parks," "recreation centers" or "public places" as used in this chapter shall include every park, playground, public recreation facility and such other public places as are owned or operated by the city for the general benefit of the public recreation or park or playground use.

##### 12.24.020 - Protection of public property.

It is unlawful for any person to commit or permit any of the hereinafter specified acts in any public park or recreation center in the city.

- A. To pick, dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof growing therein, nor shall any person attach any rope, wire or other contrivance to any tree or plant; to cut, break, deface, defile or injure any building, monument, sign, fence, bench, equipment or property therein; to cut or remove any wood, turf, grass, soil, rock, sand or gravel; in any way to injure or impair the natural beauty or usefulness of any area;
- B. To climb any tree, or to walk, stand or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes;
- C. To remain, stay or loiter in any park, with the exception of Sierra Vista Park and Mt. Wilson Trail Park, between the hours of eleven p.m. and five a.m. the following date, or to camp or lodge herein, without a written permit from the ~~parks and recreation~~ community services commission, or its authorized representative. The same shall apply to Sierra Vista Park, located at 611 East Sierra Madre Blvd. and Mt. Wilson Trail Park located at 189 East Mira Monte Avenue between the hours of ten p.m. to six a.m.;
- D. To swim, bathe, wade in or pollute the water of any fountain, pond, lake, stream, or commit any nuisance in or near such water or in any manner pollute the same;
- E. To let loose any animal or fowl of any kind; provided, that this shall not apply to animals when led by a leash or chain not more than six feet long, and under full control of its owner or custodian, with the exception of specifically designated areas in Sierra Vista Park approved by the ~~parks and recreation~~ community services commission and city council;
- F. To allow a horse to enter or remain in any part of any park except the areas therein designated and posted for that purpose.

#### 12.24.025 - Sierra Vista Park lights.

The hours of operation of the Sierra Vista Park lights may not exceed park hours established in Section 12.24.020(C), except as otherwise approved by the ~~parks and recreation~~ community services commission.

#### 12.24.030 - Protection of public safety.

It is unlawful for any person to commit or permit any of the hereinafter specified acts in any public park or recreation center in the city:

- A. To light, maintain or attempt to light any fire, except in a stove, fire circle or other place provided for that purpose without having procured a written permit from the ~~parks and recreation~~ community services commission or its authorized representative;
- B. To throw upon, along or across any public highway, driveway or footpath, or any areas other than those set apart for such forms of recreation when so designated and posted any missile capable of causing personal injury or damage to personal property;
- C. To use, carry or process any archery equipment or bows or arrows except on a designated archery range for target practice but then only under such rules and regulations as shall be posted by the ~~parks and recreation~~ community services commission.

#### 12. 24.040 - Traffic regulations.

It is unlawful for any person to commit or permit any of the hereinafter specified acts in any public park or recreation center in the city:

- A. To fail to comply with all applicable provisions of the State Motor Vehicles Traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other city ordinances;
- B. To drive a vehicle in any park at a speed greater than is reasonable or prudent, having due regard for the traffic on, and the surface and width of, roadway, and in any event at a speed in excess of ten miles per hour;
- C. To ride or drive any cycle or motor vehicle elsewhere than on roads, trails or driveways, provided for that purpose;
- D. To park or stand a cycle or vehicle in other than a designated parking area, and such use shall be in accordance with posted directions thereat;
- E. To fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property;
- F. The recreation director, or other authorized representative of the ~~parks and recreation~~ community services commission, or police, may close or barricade any traffic and all park roads, driveways or parking areas at any time or direct traffic thereon as may be necessary.

#### 2.24.050 - Personal behavior.

It is unlawful for any person to commit or permit any of the hereinafter specified acts in any public park or recreation center in the city:

- A. To engage in loud, boisterous, threatening, abusive, profane or indecent language, or engage in any disorderly conduct, or behavior tending to a breach of the public peace;
- B. To hold, conduct or address any assemblage, meeting or gathering for the purpose of discussing, expounding or advocating or opposing the principles, creeds or qualities of any race, political party, partisan group, organization or religious denomination or sect, except with written permission of the ~~parks and recreation~~ community services commission;
- C. To solicit in any manner or for any purpose therein, or offer for sale any goods, wares or merchandise, or pass out and distribute, post, place or erect any sign, handbill,

circular, advertising matter or literature without written permission granted by the ~~parks and recreation commission~~ community services commission;

- D. To engage in commercial activities of any nature without written permission granted by the ~~parks and recreation~~ community services commission;
- E. To solicit alms or donations for charitable or religious purpose without a written permit granted by the parks and recreation commission.

12.24.060 - Alcoholic beverages—Allowed where.

Notwithstanding the provisions of Section 12.24.050, the Sierra Madre Community Recreation Center, Memorial Park and ~~Senior Citizen Center and Toy Loan Building~~ Hart Park House, may, by permit, be utilized for the assemblage of persons where alcoholic beverages are dispensed and consumed.

12.24.070 - Alcoholic beverages—Permit required.

Upon approval of the ~~parks and recreation~~ community services commission, the city administrator may issue permits to responsible local nonprofit organizations and special events for such assemblages in the Community Recreation Center, Memorial Park and the ~~Senior Citizen Center and Toy Loan~~ Hart Park House, subject to such reasonable conditions as may be necessary, in his opinion, to preserve order and to protect public property. Such conditions shall, in all cases, include the following:

- A. The permit shall be valid between eleven thirty a.m. and one a.m. of the following morning only; specific times subject to approval by the city administrator.
- B. The permit shall require the permittee to accept and adhere to all the provisions of the then current facility use policy.
- C. The permit may require that the permittee, at its own expense, provide a city off-duty uniformed officer on duty at all times for purposes of noise and traffic control. The number of officers to be established by the city administrator.
- D. The permit shall require the maximum occupancy standards established by the building department be strictly observed.
- E. The permit shall require strict compliance with all laws and regulations of the state pertaining to the dispensing and consumption of alcoholic beverages.
- F. The assemblage shall be of a closed or private nature and shall not be open to the public.
- G. The permit shall not be issued on Sundays except during the hour of midnight until one a.m.
- H. No such permit shall be issued for any period during which the Community Recreation Center, Memorial Park, or ~~Senior Citizen Center and Toy Loan~~ Hart Park House is being used for governmental purposes or activities for persons under twenty-one years of age.
- I. No such permit shall be issued where the use of such permit would directly conflict with regularly scheduled activities in the facilities or adjoining park area.

12.24.080 - Specific organizations and events defined.

A. "Local organization" means an organization which has conducted at least bimonthly meetings or activities within the city for a period of at least one year prior to the date of application, and which has a permanent address or situs within the city.

B. "Nonprofit organization" means an organization organized or incorporated for educational, civic, charitable, religious or cultural purposes, having a bona fide membership, when proceeds, if any, arising from its activities are used for the purposes of such organization and may not be used for the individual benefit of the membership of such organization.

C. "Special events" shall include receptions, meetings and gatherings.

#### 12.24.090 - Permits—Criteria.

The basis on which the city council shall approve or disapprove such permits is a finding of whether the same would or would not be contrary to the public welfare. Any applicant shall be entitled to a hearing on its application upon request.

#### 12.24.100 - Restricted areas and uses.

It is unlawful for any person to commit or permit any of the hereinafter specified acts in any public park or recreation center in the city:

- A. Any section or part of any parks may be declared closed to the public by the ~~parks and recreation~~ community services commission or its authorized representative at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as shall be found reasonably necessary.
- B. A written permit from the ~~parks and recreation~~ community services commission or its authorized representative shall be required to:
  1. Occupy any part of any park in a group or as part of a group to the exclusion of the public or for any activity interfering with public enjoyment of the park;
  2. Occupy, or carry on any activities in any part of any park when other provisions of this chapter require such a permit.
- C. The ~~parks and recreation~~ community services commission may from time to time by resolution designate certain areas of parks restricted to certain uses, and when such areas are posted therefor, it is unlawful for any person to use the area for any other than the designated purpose without a written permit.
- D. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the premises.
- E. It is unlawful:
  1. To enter an area posted as "closed to the public," nor shall any person use, or abet the use of any area in violation of posted notices;
  2. To fail to produce and exhibit any permit from the ~~parks and recreation~~ community services commission for its authorized representative such person claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule;
  3. To disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit;
  4. Use any portion of a public park or recreation facility for personal profit, private business or enterprise or to provide for any sale or service to others without specific written permission and authorization from the ~~parks and recreation~~ community services commission or its authorized representative;
  5. Bounce houses and/or other inflatable attractions are restricted to use in Memorial and Sierra Vista Parks by permit only. These items are prohibited for use in Bailey Canyon and Mt. Wilson Trail Park.

#### 12.24.101 -~~Regulation of skate park.~~

- A. ~~As used in this section, the term "skate park" means the skate facility owned and operated by the city of Sierra Madre in Sierra Vista Park that is identified by the sign as the "Sierra Madre Skate Park."~~
- B. ~~The following regulations shall apply within the skate park:~~
  1. ~~Skateboarding is hazardous recreational activity.~~
  2. ~~All persons, who use the skate park, use it at their own risk. The city of Sierra Madre shall not be liable for any injuries related to such use, including injuries suffered by any person assisting the skateboarding participant or any participant.~~

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All persons who use the skate park must sign a medical release and hold harmless form. All persons under the age of eighteen must have such form signed by a parent or guardian. ~~Every person under the age of fourteen must be supervised by an adult.~~
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All skateboarding participants must have valid identification and pass to enter the skate park.
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No person shall use the skate park without wearing a helmet, elbow pads, and knee pads at all times. Such equipment must be functional, properly sized, and designed for skateboarding. Any person failing to do so will be subject to a criminal, civil, or administrative action authorized by the Municipal Code and law.
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No bicycles or bicycle riding is allowed in the skate park. The skate park shall only be used for skateboarding.
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No person shall skate on the curb, sidewalks, fences, railings, or driveways in the area surrounding the skate park.
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The skate park is open to the public during open hours of the youth activity center and closed to the public all other hours. The city reserves the right to change the schedule as necessary.
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No drugs, alcohol, smoking, offensive language, or graffiti, or any other behavior prohibited in other city parks is allowed on or around the skate park.
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If graffiti is found in the skate park, the skate park will be closed until it is removed.
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Skateboarding shall not be permitted if conditions in or around the skate park are hazardous.
12. 

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No food or drink is allowed in the skate park.
13. 

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The surfaces in the skate park shall not be altered in any way. Obstacles or other materials, like ramps or jumps, may not be used in the skate park.
14. 

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~~There shall be no attendant on duty at the skate park.~~
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Violation of any provision of this section shall result in a criminal, civil, or administrative action authorized by this Municipal Code and law.
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The community services department shall cause signs to be posted at the skate park providing reasonable notice of the requirement that no person shall use the skate park without wearing a helmet, elbow pads, and knee pads at all times and the penalties for failing to comply with this requirement.

#### 12.24.110 - Enforcement.

- A. The recreation director and/or any other authorized representative of the ~~parks and recreation~~ community services commission shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.
- B. The recreation director and/or any other authorized representative of the ~~parks and recreation~~ community services commission, and the police, shall have the authority to seize

from the park any person acting in violation of this chapter, and to seize and confiscate any property, thing or device in the park, or used, in violation of this chapter.

12.24.120 - Appeals.

Any person aggrieved by any decision of the recreation director may, within fifteen days after such decision, appeal the same in writing to the ~~park and recreation community services commission~~; and any person dissatisfied with a decision of such commission may, within fifteen days after such decision, appeal the same in writing to the city council. The decision of the city council shall be final. Each decision by the director or commission shall be final upon the aggrieved person until reversed.

**SECTION 8. Amendment.** Section 15.40.010 (General Regulations) of Chapter 15.40 (Moving Buildings) of Title 15 (Buildings and Construction) of the Sierra Madre Municipal Code is



amended to read as follows, with deletions denoted by ~~struck-through~~ text and additions denoted by underlined text:

15.40.010 - General regulations.

- A. No person shall move any building from any lot or parcel outside of the city to any lot or parcel within the city.
- B. No person shall move any building from any lot or parcel inside of the city to any other lot or parcel within the city. This restriction does not apply to relocation on the same lot or parcel.
- C. No person shall move any building from any lot or parcel within the city to a lot or parcel outside the city.
- D. The term "building" as used in subsections B and C of this section, shall not include structures not designed or used for living accommodations, or any historical dwelling, building or landmark, so designated by the cultural heritage planning commission and approved by the city council.
- E. The provisions of subsections A through C of this section shall not preclude the transporting into or the use within the city of temporary facilities in accordance with or as required by other applicable regulations, such as construction, offices, storage sheds, portable sanitation facilities, bleacher seats, construction barricades, and the like and for use and if used only in connection with construction or other temporary activity lawfully conducted within the city.
- F. The provisions of subsections A through C of this section shall not prohibit the installation of a prefabricated disaster shelter in accordance with applicable regulations.
- G. No person shall move any structure in excess of eight feet in width along, across or upon the public streets unless a permit is first issued by the city manager, which said permit may be made subject to reasonable conditions, including time of travel, conditions of travel, and a surety bond. Any person dissatisfied with such permit may appeal such decision to the city council whose decision thereon should be final.

**SECTION 9. Amendment.** Section 17.72.040 (Sign regulations—R-1 and R-2 zones.) of Chapter 17.72 (Signs) of Title 17 (Zoning) of the Sierra Madre Municipal Code is amended to read as follows, with deletions denoted by ~~struck-through~~ text and additions denoted by underlined text:

- A. The following sign types and sizes are permitted without a permit:
  - 1. A nameplate not exceeding one square foot in area containing the name and address of occupant of the premises;
  - 2. One unlighted sign not exceeding six square feet in area pertaining only to the sale, lease or hire of the particular building, property or premises upon which displayed;
  - 3. Historic plaques and markers provided that are approved by the cultural heritage planning commission.

**SECTION 10. Amendment.** Section 17.82.020 (Purpose and intent.) of Chapter 17.82 (Historic Preservation) of Title 17 (Zoning) of the Sierra Madre Municipal Code is amended to read as follows, with deletions denoted by ~~struck-through~~ text and additions denoted by underlined text:

17.82.020 - Purpose and intent.

Whereas, the city council has determined:

- A. That the character and history of the city are reflected in its cultural, historical and architectural heritage;
- B. That these historic foundations should be preserved as living parts of community life and development to build an understanding of the city's past so that future generations

may have a genuine opportunity to appreciate, enjoy and understand the rich heritage of the city;

- C. That the city's total number of public, commercial and residential structures is fewer than three thousand five hundred units, and that without diligent efforts to minimize the demolition and loss of the city's historical landmarks, the rich heritage of the city will be eroded over time;
- D. That pursuant to the provisions of the National Historic Preservation Act of 1966, as amended, the city of Sierra Madre, the state of California, and the United States Congress, to develop preservation programs and activities to give maximum encouragement to agencies and individuals undertaking preservation of the city's unique architectural and historical heritage;
- E. Therefore, the purpose of this chapter is the protection, appreciation and preservation of the historic landmarks of the city through a partnership between the cultural heritage planning commission and the property owners/residents, the business sector and the community at large to retain and protect those historic landmarks which preserve and enhance out small town atmosphere and:

**SECTION 11. Severability.** If any sections, subsections, subdivisions, paragraph, sentence, clause or phrase of this Ordinance or any part hereof or exhibit hereto is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof or exhibit thereto. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraph, sentences, clauses or phrases be declared invalid.

**SECTION 12. Publication.** The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance and his/her certification, together with proof of the publication, to be entered in the book of Ordinances of the City Council.

**SECTION 13. Effective Date.** This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code Section 36937.

**PASSED, APPROVED, AND ADOPTED ON** this 27th day of October, 2020

John Capoccia, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

Sue Spears, City Clerk

Aleks R. Giragosian, City Attorney

**I HEREBY CERTIFY** that the foregoing Ordinance was duly adopted by the City Council of the City of Sierra Madre, California, at a regular meeting held on the 27th day of October, 2020 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**