

ORDINANCE NO. 2638

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF WHITTIER UPDATING PROVISIONS OF THE  
WHITTIER MUNICIPAL CODE

SECTION 1. The Whittier Municipal Code is hereby amended by amending Section 2.54.040 to read as follows:

"2.54.040 Return of contributions.

A contribution shall not be considered to be received if it is not negotiated, deposited or utilized in any way, and in addition if it is returned to the donor within seven days of receipt or prior to the closing date of the campaign statement on which it would otherwise be reported, whichever is sooner."

SECTION 2. The Whittier Municipal Code is hereby amended by amending Section 8.22.110 to read as follows:

"8.22.110 Appeal from assessment.

Between the first and the seventh day of July of each year, the director of public works shall cause to be published in the official newspaper of the city, a notice that any person affected or aggrieved by any act or determination of the director of public works or of the city manager in connection with the provisions of this chapter may appeal to the city council. An appeal shall be in writing and shall be filed with the city clerk prior to the fifteenth day of July. At the next regular meeting of the city council after the fifteenth day of July, or from time to time thereafter as may be determined by the council, the council shall hear and pass upon each appeal, and the determination by the council thereupon shall be final and conclusive. In the event any determination of the director of public works is modified by determination of the city council or any assessment changed or corrected, the director of public works shall cause the correction to be made upon other record showing the assessment."

SECTION 3. The Whittier Municipal Code is hereby amended by amending Section 8.24.070 to read as follows:

"8.24.070 Appeal from assessment.

Between the first and the seventh day of July of each year, the director of public works shall cause to be published in the official newspaper of the city a notice that any person affected or aggrieved by any act or determination of the director of public works or of the city council in connection with the provisions of this chapter may appeal to the city council. An appeal shall be in writing and shall be filed with the city clerk prior to the fifteenth day of July. At the next regular meeting of the city council after the fifteenth day of July, or from time to time thereafter as may be determined by the council, the council shall hear and pass upon each appeal, and the determination by the council thereupon shall be final and conclusive. In the event any determination of the director of public works is modified by determination of the city council or any assessment changed or corrected, the director of public works shall cause the correction to be made upon the record showing the assessment."

SECTION 4. The Whittier Municipal Code is hereby amended by amending Section 9.56.090 to read as follows:

"9.56.090.D. The costs provided for in this section shall be computed by the city and shall be forwarded in the form of an invoice sent by first class mail to the person or persons responsible for the event at the time of the police responses. The bill shall apprise the person or persons responsible for the event that failure to pay the bill may result in a lien on the property on which the nuisance was maintained and shall be a personal obligation against the property owner."

SECTION 5. The Whittier Municipal Code is hereby amended by amending Section 9.56.150 to read as follows:

"9.56.150 Special assessment.

If the owner of the property does not pay the amount set forth in the invoice within thirty calendar days after the invoice becomes final or the hearing officer confirms the invoice, or after the invoice has been confirmed by the board of appeals, whichever is later, the city clerk-treasurer shall order that the amount set forth in the invoice shall become a special assessment against the property on which the public nuisance was abated and that a notice of lien be filed. The assessment shall continue until it is paid, together with interest at the rate established by City Council Resolution, computed from the date of confirmation of the invoice until payment. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and it shall be subject to the same penalties, procedures and sale in case of delinquency as provided for ordinary taxes. All acts applicable to levy, collection and enforcement of property taxes shall apply to this special assessment."

SECTION 6. The Whittier Municipal Code is hereby amended by amending Section 10.16.150 to read as follows:

10.16.150 Nonprofit organizations exempt by permit.

A. A vehicle may be parked overtime contrary to the provisions of this chapter when the vehicle is owned, operated, maintained and used solely for the purposes of a nonprofit organization and when the vehicle is parked in a space on a public street overtime and contrary to the provisions of this chapter pursuant to a permit granted by the parking and transportation commission of the city. An application for a permit to overpark may be filed with the parking and transportation commission or the secretary thereof requesting a permit for the overparking. The application shall contain the following information:

1. The location of the space where the vehicle proposes to overpark;
2. The time during which the overparking will take place;
3. The name of the organization seeking the overparking privilege with a statement of the purposes and activities of the organization, together with proof that it is a nonprofit organization;
4. The general character of the advertising on the vehicle to be overparked;
5. Such other information as the parking and traffic commission may require to be put in the application.

B. The parking and transportation commission upon receipt of the application shall hear and determine the application and may grant or deny a permit in whole or in part. A permit may be granted upon the terms and conditions which the parking and transportation commission deems advisable for the protection of the public peace, health and safety of the citizens of the city. Full power and authority to hear and determine the applications and to grant or deny permits is conferred upon the parking and transportation commission by the city council. The parking and transportation commission shall adopt such rules and regulations as it deems necessary for the hearing of the applications and the granting or denying of a permit. A copy of the rules and regulations shall be filed with the city clerk and may be furnished to any person seeking to file an application.

C. If a permit is granted, it shall be conspicuously displayed on or about the vehicle granted the privilege of overparking and thereafter the vehicle may overpark notwithstanding the provisions of this chapter so long as the overparking is in accordance with the terms and conditions of the permit granted by the parking and transportation commission. (Prior code § 3420.139)

SECTION 7. The Whittier Municipal Code is hereby amended by amending Section 10.48.030 to read as follows:

"10.48.030.C. The minimum fee for each such permit at each such location shall be established by a Resolution of the City Council; provided, that the city manager, where circumstances warrant, shall set a fee in excess of such an amount if necessary to defray the filing and processing of the applications."

SECTION 8. The Whittier Municipal Code is hereby amended by amending Section 12.20.010.B to read as follows:

"12.20.010.B. The city engineer may vary the terms of this chapter in the event the provisions of this chapter cause any undue hardship upon a property owner. In granting any such variance, the city engineer shall take into consideration the physical condition of the real property, the traffic congestion upon any street to which the curb is being cut, the nature of the surrounding property, trees, buildings and occupational density of surrounding property and shall only grant the variance where it is necessary and in accordance with the intent of this chapter. The decision of the city engineer upon the granting or denying of any variance may be appealed by an interested party to the city council by written notice of appeal filed with the city clerk within ten days after the decision and setting forth the nature and grounds of the appeal, the request for any reversal or modification, and the payment to the city clerk of a fee established by a Resolution of the City Council for the privilege of filing the appeal, which fee shall be paid at the time the notice of appeal is filed with the city clerk. The city council may affirm, modify or reverse the decision of the city engineer and upon such terms and conditions as it deems advisable."

SECTION 9. The Whittier Municipal Code is hereby amended by amending Section 15.08.250 to read as follows:

"15.08.250 Board of Appeals created.

There is created a board of appeals consisting of five members: one civil or structural engineer, one architect, one general building contractor, one plumbing contractor and one electrical contractor. All members shall maintain current State of California licenses and/or registrations for their specific fields. The director of building and safety shall be an ex-officio member of the board and shall act as secretary and keep a record of all business transacted. The board shall be appointed by the authority empowered to appoint such boards under the conditions stipulated in the City Charter. The members of the board shall serve until removed for neglect of duty, incapacity, or malfeasance in office or until their respective successors are appointed and qualified. They shall meet when necessary to hear and decide appeals of orders, decision, or determinations of the Building Official as provided in Section 15.08.260.

SECTION 10. The Whittier Municipal Code is hereby amended by amending Section 15.08.260 to read as follows:

"15.08.260 Appeal procedure for exceptions.

Any owner of any property in which work is being done and subject to the provisions of the building regulations, or any contractor for any such owner, may file a petition in writing with the board of appeals requesting a hearing on any order, decision, or determination of the Building Official, except as limited herein. The board shall hear such evidence as may be desired in considering the petition and make any exception or grant such relief as they deem advisable in alternate types of materials or construction or in the interpretation of the building regulations, provided, however, that the board shall have no authority relative to the interpretation of administrative provisions, nor shall the

board be empowered to waive any requirement of the building regulations. In hearing any such petition, all parties thereto shall be bound by the rules and regulations of the board of appeals, as adopted by the board, and the decision of the board shall be final. The board of appeals as created and set forth in this code shall at all times be the board of appeals to consider any petition asking for relief from any order, decision, or determination of the Building Official."

SECTION 11. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 12. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 13. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days of its adoption. This Ordinance shall become effective 30 days from its adoption.

PASSED AND APPROVED this 6th day of December, 1994.

(d)(5)

MICHAEL SULLENS, Mayor

ATTEST:

(d)(5)

GERTRUDE L. HILL, City Clerk

ORDINANCE NO. 2945

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING WHITTIER MUNICIPAL CODE SECTION 2.54.060 RELATING TO CAMPAIGN FINANCE DISCLOSURE

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

SECTION 1. Whittier Municipal Code Section 2.54.060 is amended to read as follows:

"2.54.060 Campaign disclosure document.

A. Every candidate, political action committee, or organization that receives campaign contributions or disburses funds on behalf of a campaign for a city election must file a campaign disclosure document with the city clerk. The disclosure must include all contributions, loans, and disbursements received and made during the campaign disclosure period (as defined in section 2.54.050) in excess of \$100, including in kind services, donations per person, per political action committee, and per organization.

B. The campaign disclosure document required by this section must also include all late contributions and late independent expenditures as defined by California Government Code Sections 82036 and 82036.5, except that the threshold requirement for reporting is \$1,000, including in kind services and donations."

SECTION 2. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

CITY OF WHITTIER            )  
   ) SS  
 STATE OF CALIFORNIA    )

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Whittier on the 8<sup>th</sup> day of December 2009, and adopted at a regular meeting of the City Council of the City of Whittier on the 12<sup>th</sup> day of January 2010 by the following roll call vote:

AYES:        J. A. Vinatieri        C. Warner        O. Newcomer  
                   R. L. Henderson

NOES:        None

ABSENT:     None

ABSTAIN:    J. G. Nordbak

WITNESS my hand and the official seal of the City of Whittier, California, this  
13<sup>th</sup> day of January 2010.

(d)(5)  
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 KATHRYN A. MARSHALL  
 City Clerk-Treasurer

Published as required by law: January 26, 2010