

ORDINANCE NO. 2008-251

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, ADDING CHAPTER 8.30 TO THE CALABASAS MUNICIPAL CODE RELATING TO MOBILE COMMERCIAL WASHING OPERATIONS

THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:

SECTION ONE. CODE AMENDMENT The Calabasas Municipal Code is hereby amended by adding Chapter 8.30 to read as set forth in the Exhibit A attached to this Ordinance.

SECTION TWO. SEVERABILITY. If any provision, section, paragraph, sentence or word of this Ordinance or of Exhibit A hereto, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

SECTION THREE. EFFECTIVE DATE. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

SECTION FOUR. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED, this 27th day of August 2008.

Mary Sue Maurer, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney

EXHIBIT A

Chapter 8.30: Mobile Commercial Washing Operations

8.30.010 Purpose and intent.

The objectives of this chapter are:

1. To regulate mobile commercial washing activities to prevent detergents and other pollutants from being discharged into the City's storm drain system.
2. To establish procedures to carry out the permitting, inspection, and monitoring necessary to ensure compliance with this chapter.

8.30.020 Definitions.

As used in this section, the following terms shall have the meanings set forth below unless otherwise the context clearly requires otherwise:

"Director" means the director of public works of the city.

"Mobile commercial washing" means any activity conducted for compensation that involves the washing of automobiles, trucks, motorcycles, recreational vehicles, or any other vehicle, and which is moved from one location to another, such as to serve customers at their residences or places of work and includes any temporary car wash event conducted by any person for the purpose of fund raising.

8.30.030 Permit required

No person shall engage in, conduct or carry on mobile commercial washing in the city without first obtaining and maintain a permit issued pursuant to this chapter.

8.30.040 Application procedure

A. Application. Applications for mobile commercial washing permits shall be filed with the director and shall comply with the following requirements:

1. Applications shall be accompanied by a fee in an amount established from time to time by resolution of the city council.

2. Applications shall be completed on a form designated by the director, and shall be signed by the applicant under penalty of perjury.

B. Contents of Application Form and Renewal Application Form. Applications for mobile commercial washing permits and for the renewal for such permits shall contain the following information:

1. Name, address, telephone and other contact information for the applicant.

2. A complete description of the mobile commercial washing to be conducted in the city.

3. Any other information that the director reasonable requires to administer this chapter or chapter 8.28 of this code with respect to the applicant's activities in the city.

8.30.050 Issuance of permit and registration certificates.

A. Once a completed application is filed, and the applicant pays the prescribed fee, the director shall review the application and either approve (with or without conditions of approval) or deny, the application. If the application is denied, the director shall give notice of that decision to the applicant and shall include a statement of the reasons for the denial. The grounds for denial shall be:

1. The permit application contains a false or misleading statement of a material fact.

2. The permit application fails to demonstrate how the applicant will comply with this chapter and chapter 8.28 of this code.

3. The application seeks approval for mobile commercial washing in violation of applicable law.

B. Notice of the director's decision shall be mailed by certified or registered mail or personally delivered to the applicant at the address shown on the application.

C. Issuance of Permit. A mobile commercial washing permit shall be effective on the date it is approved by the director or by the city manager on appeal.

D. Valid for One Year; Renewal; Suspension and Revocation. A mobile commercial washing permit shall be valid for one year from the date of its issuance,

unless suspended or revoked. A mobile commercial washing permit must be renewed annually. The director shall review a mobile commercial washing permit renewal application in the manner prescribed in section 8.30.050 of this chapter prior to receipt of an application for renewal if he or she receives a request for such review from a departments or officer of the city. If the director denies an application for renewal or revokes or suspends a permit, the permittee may appeal the director's decision to the city manager pursuant to section 8.30.060 of this chapter.

E. Information Required to Be Updated. A permittee shall notify the director of any change in facts or information presented in the application within ten calendar days after such change provided, however, that nothing in this section shall entitle a permittee to conduct mobile commercial washing other than in compliance with the permit as issued and in accordance with this chapter, chapter 8.28 of this code and other applicable law.

F. Non-transferable. No permit issued under this chapter may be transferred and any attempt to do so shall invalidate the permit and constitute a violation of this chapter.

8.30.060 Appeal procedure.

A. Within ten calendar days of the director's decision, the applicant may appeal an adverse decision to the city manager. The appeal shall be in writing, shall set forth the ground(s) for the appeal, and shall be accompanied by an appeal fee in an amount established from time to time by resolution of the city council.

B. A hearing shall be held and action taken not less than fourteen days nor more than thirty calendar days after the timely filing of a complete appeal, unless the applicant requests an extension. One extension shall be granted as a matter of right, but the city manager shall have discretion to grant or deny further extensions.

C. The City shall give the applicant ten calendar days notice of the hearing at the address shown on the application in the manner specified by paragraph B. of section 8.30.050 of this code.

D. At the time set for the hearing, the city manager shall hear the applicant, who may present any facts to show why the permit should be granted. The city manager shall give consideration to all relevant documents filed and all relevant testimony given at the hearing.

E. The city manager shall adopt and issue a written decision approving or denying an application within thirty calendar days after the conclusion of the

hearing. Any decision to deny a permit application shall be based on the grounds set forth in paragraph A. of section 8.30.050 of this code. Notice of the city manager's decision shall be final as to the city and shall be given as provided in paragraph B. of section 8.30.050 of this code.

8.30.070 Permit Conditions.

A mobile commercial washing permittee shall:

A. When utilizing wash water recycling units:

1. Notify the director in writing of all changes in disposal sites during the permit period;

2. Discharge wash water only as specified in the permit application;

B Comply with chapter 8.28 of this code.

C. Display his or its mobile commercial washing permit as required by the director.

8.30.080 Bonds.

Prior to the issuance or renewal of the permit, an applicant shall secure and deliver to the satisfaction of the director a performance or cash bond in the amount of ten thousand dollars (\$10,000). Said performance or cash bond shall serve as security for the faithful performance of all conditions and provisions of this chapter and any permit issued under it and shall be acceptable in form to the city attorney. The bond shall remain in force during the life of the permit and all renewals thereof. The bond shall be in favor of the city and shall not extend to the right of recovery against the sureties by third persons. After any recovery against the bond by the city, the bond amount shall be restored to the required sum of ten thousand dollars.

8.30.090 Indemnification.

Prior to the issuance or renewal of a permit, applicants shall execute an indemnification agreement with the city as follows:

"Permittee shall indemnify, defend with counsel approved by city and hold harmless the city, its officers, employees and agents from and against any and all loss, liability, penalty, fine, forfeiture, claim, demand, action, proceeding or suit, of any and every kind and description, whether judicial, quasi-judicial, legislative or administrative in nature including, but not limited to, injury to and death of any person and damage to property or for contribution or indemnity claimed by third

parties arising out of or occasioned in any way by, directly or indirectly by the negligence or willful misconduct of permittee, its officers, agents and employees in performing services in the City of Calabasas; and/or by the failure of permittee, its officers, agents and employees to comply with the provisions of applicable laws, including the Calabasas Municipal Code, and/or applicable permits and licenses."

8.30.100 Inspection and reporting.

The director is authorized to enforce all provisions of this chapter. The city's inspection authority pursuant to this section shall include the authority to enter, sample, inspect, review and copy records the director may inspect mobile commercial washing activities which take place in any public area and, upon an appropriate warrant, if required, may inspect such activities on private property.

8.30.110 Prohibition on hiring unpermitted mobile commercial washing services.

No person shall hire, engage, or use any mobile commercial washing service which does not have a valid mobile commercial washing permit from the city. Any violation of this section shall be punishable as an infraction pursuant to section 1.16.020 of this code and/or pursuant to chapter 1.17 of this code.