

Attachment 'A'

**ORDINANCE NO. 23- \_\_**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN ADDING CHAPTER 1.36 TO TITLE 1 OF THE KERMAN MUNICIPAL CODE RELATING TO A MASTER FEE SCHEDULE AND AMENDING SECTION 5.04.090 OF CHAPTER 5.04, SECTION 5.24.040 OF CHAPTER 5.24, SECTION 5.26.030 OF CHAPTER 5.26, AND SECTION 12.28.050 OF CHAPTER 12.28 REGARDING USER AND REGULATORY FEES**

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

**SECTION 1.** Chapter 1.36 shall be added to the Kerman Municipal Code to read as follows:

**Chapter 1.36  
MASTER FEE SCHEDULE**

**Sections:**

**1.36.010 Establishment of Master Fee Schedule.**

**1.36.010 Amendment of Fees and Master Fee Schedule.**

**1.36.010 Establishment of Master Fee Schedule.**

All user and regulatory fees, penalties, refunds, reimbursements and charges of any kind collected by the City shall be specified in the Master Fee Schedule adopted by City Council, as amended by the Council resolution from time to time. Whenever applicable in this code, reference shall be made to the "Master Fee Schedule" in lieu of any reference to specific fee amounts.

**1.36.020 Amendment of Master Fee Schedule.**

All fees heretofore or hereafter set by ordinance in this code may also be established and amended by Council resolution amending the Master Fee Schedule except when state law requires that fees be adopted or amended by ordinance.

**SECTION 2.** Section 5.04.090 of the Kerman Municipal Code is hereby amended to read as follows:

**5.04.090 License fee--Delinquency and penalty.**

Every license which is not paid within a period of thirty days from the time the same becomes due and payable is declared to be delinquent and the city clerk shall add to such license and collect a penalty of ten percent per month of the license so delinquent.

**SECTION 3.** Section 5.24.040 of the Kerman Municipal Code is hereby amended to read as follows:

**5.24.040 Permit--Application to solicit.**

An application for a permit to solicit shall be made to the city council upon forms provided by the city at the office of the city clerk. Such application shall be sworn to and filed with the city clerk at least fifteen days prior to the time the permit applied for shall become effective; provided, that the city council may, for good cause shown, allow the filing of an application less than fifteen days prior to the effective date of the permit applied for. The application required in this section shall contain the following information, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:

- A. The name and address of the applicant;
- B. The exact purpose for which the proceeds of the solicitations, sale, bazaar, exhibition, promotion, amusement, show, lecture, entertainment or other enterprise, or any part thereof, are to be used, including the manner in which the amount of any compensation, intended to be paid to any person out of such proceeds, shall be paid;
- C. The total amount which is sought to be raised;
- D. The names and addresses of all persons on its board of trustees or its governing body, and also the names and address of all persons who will receive compensation in any way for the solicitations;
- E. The bank or place where all or any part of the funds raised by such activity will be placed on deposit or invested;
- F. Contemporaneously with the filing of the application, the applicant shall deposit with the city clerk a bond or guaranty for the faithful performance of the provisions of this chapter as established in the Master Fee Schedule as amended from time to time. Such sum is to be returned to the applicant upon denial of the application if it is denied, or, if the application is granted, then to be returned to the applicant upon the order of the city council when it is satisfied that the applicant has met all requirements of this chapter;
- G. Such other information in respect to the character, past activities, and the proposed activity of the applicant and the parties directly interested in or engaged in the work as may be necessary or desirable to enable the city council to make a full and complete investigation;
- H. Within fifteen days of filing an application, the city council shall determine whether to grant or deny the permit to solicit. The permit shall be granted if the council determines that the application provides the information required by this section.

**SECTION 4.** Section 5.26.030 of the Kerman Municipal Code is hereby amended to read as follows:

**5.26.030 Permit application.**

Applicants for a safe and sane fireworks stand permit must submit a completed application and the designated fee, as established in the Master Fee Schedule, as amended from time to time, upon a form obtained from the city clerk.

A completed application shall include:

- A. A hold harmless agreement indemnifying city, its employees, officials and agents against loss, liability, injury or damages arising from issuance of the permit and all activities, injuries, incidents or occurrences conducted or occurring pursuant to the permit. The applicant shall provide to city a certificate of insurance in a form acceptable to city and naming city as additional insured;
- B. A written description of the location of the stand either by street address or by distance and direction from the nearest cross streets;
- C. Written permission of the owner and any lessee or possessor of the land on which the fireworks stand will be operated;
- D. Written evidence that the applicant possesses a current retail sales license for the retail sale of safe and sane fireworks, and has been approved for such sales by north central fire protection district.

Upon receipt of the permit fee, and an application with the required attachments, the city clerk shall issue only one safe and sane fireworks stand permit to each applicant, and the permit shall be valid for only one location.

**SECTION 5.** Section 12.28.050 of the Kerman Municipal Code is hereby amended to read as follows:

**12.28.050 Permit--Issuance conditions.**

No permit issued under Section 12.28.040 shall be in conflict with the following regulations:

- A. The maximum width of any driveway shall not be more than thirty feet, as measured at the top of the curbing.

B. The minimum distance between driveways serving the same lot or parcel of land shall be not less than eighteen feet, as measured at the top of the curbing.

C. Not more than forty percent of the frontage upon any street of the lot or lots or parcel of land to be served thereby shall be devoted to driveways.

D. No driveway shall be located so as to interfere with intersecting sidewalks, traffic signals, lamp posts, fire hydrants or other public improvements, either actual and in existence, or officially approved and contemplated.

E. No permit shall be issued to remove any curbing unless a concrete driveway between curbing and sidewalk is to be installed.

F. The necessary adjustments to utility facilities, light standards, fire hydrants, catch basins, street or rail way signs, signals, or other public improvements or installations shall be accomplished without cost to the city.

G. All such work shall be done under the supervision of the city engineer or his authorized agents, and in accordance with city specifications in effect at the time of such work. Forms shall be inspected by the city engineer or his authorized agents before any concrete is poured. All debris and surplus materials shall be promptly removed upon completion of the work.

H. The applicant shall maintain the premises in a safe manner, and shall provide adequate barricades and lights at his own expense to protect the safety of the public using the adjacent streets or sidewalks, and shall hold the city free from any damages incurred by his operations.

I. Fees charged for the issuance of the permit shall be established in the Master Fee Schedule, as amended from time to time.

J. The city council shall have the authority to rescind any permit heretofore or hereafter granted for a curb cut or sidewalk installation when it finds such action to be in the public interest.

**SECTION 6. CEQA.** This ordinance does not constitute a project under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15378 (b)(4) which states in relevant part that the term "Project" does not include "The creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment." (California CFR Title 14, Chapter 3)

**SECTION 7. Severability.** The City Council declares that the provisions of this Ordinance are severable. If, for any reason, any sentence, paragraph, or section of this ordinance is determined by a court of competent Jurisdiction to be invalid, such determination will not affect the validity of the remaining portions of this Ordinance.

**SECTION 8. Effective Date.** This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

**SECTION 9. Publication.** This Ordinance shall be published in accordance with the provisions of Government Code Section 36933.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman held on the 8<sup>th</sup> day of February 2023, and passed and adopted at a regular meeting the City Council held on 22<sup>nd</sup> day of February 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

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Maria Pacheco  
Mayor

ATTEST:

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Marci Reyes  
City Clerk