



Article 12 Definitions

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Chapter 12.1 Introduction to Article 12

12.1.10 Purpose of this Article

The purpose of this Article is to define certain terms used in the City of La Habra Heights Municipal Code.

12.1.20 Rules of Convention

The following rules apply in the reading and interpretation of this Municipal Code.

- A. **Time of Day.** Whenever a certain hour or time of day is specified in this Municipal Code or any permit, condition of approval or notice issued or given as set forth in this Code, such hour shall be Standard Time or Daylight Savings Time, whichever is in current use in the City.
- B. **Number of Days.** Whenever a number of days are specified in this Code or any permit, condition of approval or notice issued or given as set forth in this Municipal Code, such number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days.
- C. **Other Terms.** Any term not specifically defined in this Article shall correspond to that provided in a dictionary.



Chapter 12.2 Definitions

12.2.10 Defined Terms and Phrases

For the purposes of this chapter, the words, terms, phrases, and their derivations set forth in this chapter have the meanings set forth below. Words used in the present tense include the future tense, the words in the singular include the plural number.

A

Access means the place, means or way by which vehicles, equestrians or pedestrians shall have safe, adequate and usable ingress and egress to a property and/or use.

Access Easement is any recorded access easement.

Accessory Building or Structure is a detached subordinate building or structure or anything constructed or erected, which requires a fixed location on the ground, or is attached to something having a fixed location on the ground, that is customarily incidental to the use of the primary or main building or structure located on the parcel. Accessory structures include permanently placed mechanical, electrical or plumbing equipment and fixtures, wells and well heads, detached garages, guest houses, pool houses, greenhouses, studios and workshops, storage sheds, barns, roofed pens or stables and any other open air enclosures having a roof such as gazebos and detached patio covers, when not the primary use on the site.

Accessory Use is a use that is incidental to, though related and clearly subordinate to, a principal use established and permitted on the same lot or parcel of land. The accessory use does not alter the principal use nor serve property other than the lot or parcel on which the principal use is located. Accessory uses include the use of accessory structures.

Addition is any new improvement that is incorporated into an existing structure that would result in an increase in square footage.

Administrative Citation is a notice, issued by an enforcement officer, that there has been a violation of the Code and that an administrative fine is imposed.

Agricultural means activities relating to the process of producing food, feed, fiber and other desired products by the cultivation of plants and the raising of domesticated animals, including maintenance of orchards and row crops as well as small and large animal husbandry.

All-Weather Surface is a specially engineered surface designed to provide maximum drainage. Such surfaces are typically constructed of asphalt, concrete, or other impervious surface materials.

Animal Keeping Permit is a permit required to house *large animals* or *small animals* (refer to definition of *large animals* and *small animals*).

Animal, Large is a horse, donkey, mule, llama, alpaca, cow, and any other animal of similar size.

Animal Pens are fenced enclosures for the keeping of animals not including arenas or pens with roofs.

Animal, Small is a sheep, goat, pig, miniature horse or hog and any other animal of similar size. Separate restrictions apply to keeping of hogs or swine as compared to other small animals.

Appeal Period is the time period during which an appeal of a decision may be requested.



Applicant is any individual, firm, contractor, limited liability company, association, partnership, government agency, municipality, public or private corporation, or any other entity that applies to the City of La Habra Heights for permits to undertake any construction, demolition, renovation project or use or activity within the City that requires City approval.

Architectural Articulation is a physical characteristic of design that is designed to break the planar or linear appearance of a wall or building including breaks or offsets in the continuity of wall or roof surfaces.

Architectural Features are any physical element associated with a structure's appearance. Architectural features may include but not be limited to wall surface materials, ornamental features, projections, window treatment and siding.

Automatically Self Setting Alarm System is any alarm that is not monitored at a central station that either continues to sound for more than five (5) minutes or automatically resets to the ready state at a specified time after being activated allowing it to immediately restart the alarm sound. These types of alarms are prohibited in the City of la Habra Heights.

Average Slope is defined as the average *slope* over a parcel of land and is computed by the following formula:

$$S = 0.002296 \times I \times L / A$$

Where S = Average percent *slope*
I = Contour interval in feet
L = Summation of length of all contour lines in feet
A = Area in acres of parcel being considered.

B

Banner is any cloth, bunting, plastic, paper or similar material used for advertising purposes attached to, appended on or from any structure, staff, pole, line, framing or vehicle.

Barn is any building, structure, or enclosure having a roof designed or used for housing animals.

Bedroom is any *habitable* room with a closet whose principal purpose is for sleeping.

Best Management Practices (BMPs) are effective, feasible (including technological, economic, and institutional considerations) policies, practices, procedures, or structures implemented to avoid or minimize risks or adverse impacts to natural and cultural resources. For example, *BMPs* are commonly used to reduce water pollution.

Blue Line Stream is any permanent or intermittent stream so designated and delineated on the current Map prepared by the United States Geological Survey.

Borrow Pit is any quarry including any inactive quarry, active quarry, or quarry undergoing restoration used as a source of earth materials and not part of the grading operations required for site development.

Building is any enclosed structure having a fixed location on the ground and a roof supported by columns or by walls and intended for the shelter, recreation, housing or enclosure of persons, animals, or property.

Building Design means the style, design, and architecture of any permanent construction and improvements including, but not limited to, primary structures, accessory structures, sheds and barns.



Building Height Envelope is the surface that defines the maximum height of any portion or appurtenance of a structure at any point on a parcel.

Building Height is the height of a structure as measured vertically at any point from the highest point of the structure to the finished grade or natural grade whichever is lower, or to the intersection of an adjacent retaining wall with the finished grade or natural grade, whichever is lower, wherever such wall is within ten (10) feet of such measurement.

Business is any profession, craft, trade, occupation or calling of any kind or nature that is carried on for profit or in which goods, materials, commodities, wares, merchandise or services are sold or offered for sale to the public.

C

Cable Service shall mean the one-way transmission to subscribers of video programming, or other programming services, and subscriber interaction, if any, that is required for the selection or use of that video programming or other programming service. For the purpose of this definition, Video Programming shall mean programming provided by, or generally considered comparable to programming provided by, a television broadcast station; and Other Programming Service shall mean information that a cable system operator makes available to all subscribers generally.

Cable System or *Cable Communications System* or *Cable Television System* shall mean a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide *cable service* that includes video programming and that is provided to multiple subscribers within a community. The term "*cable system*" does not include:

1. A facility that serves only to retransmit the television signals of one (1) or more television broadcast stations;
2. A facility that serves subscribers without using any public right-of-way;
3. A facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Telecommunications Act of 1996, except that such facility will be considered a *cable system* (other than for purposes specified in Section 621(c) of the 1984 Cable Act) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services;
4. An open video system that complies with Section 653 of Title VI of the Telecommunications Act of 1996; or
5. Any facilities of an electric utility that are used solely for operating its electric utility system.

Cable System Operator shall mean any person or group of persons:

1. Who provides *cable service* over a *cable system* and directly or through one (1) or more affiliates owns a significant interest in that *cable system*; or
2. Who otherwise controls or is responsible for, through any arrangement, the management and operation of that *cable system*.

City is the City of La Habra Heights.

City Council is the elected body of decision-makers that serve the electorate of the City of La Habra Heights. The Mayor and the Mayor Pro-tem are members of the *City Council*.

City Manager is the City Manager of the *City* or his or her designee.

City Storm Water Management Program (CSWMP) is the local plan for controlling storm water runoff.

Classified Service refers to persons regularly employed in permanent budgeted positions hired for an



indefinite term and regularly scheduled to work not less than one thousand (1,000) hours per fiscal year.

CNEL is the Community Noise Equivalent Level. This noise metric is a 24-hour average noise level that is weighted for the evening and morning periods.

Code Enforcement actions shall mean and include, but not be limited to, the time and other resources of public officials expended by them in identifying, inspecting, investigating, seeking or causing the abatement of a violation at a residential structure. These include, but are not limited to, site inspections, drafting reports, taking photographs, procuring other evidence, engaging in meetings, conferences and communications with responsible persons, their agents or representatives, concerning a violation, as well as with attorneys for the City at any time, and appearances before judicial officers or reviewing authorities during the pendency of a judicial or administrative proceeding and other appearances at such judicial or administrative hearings. The time and resources that public officials further expend to confirm that a residential structure remains free of a violation while a responsible person is on probation to a court or when a matter concerning a residential structure remains pending before a reviewing authority in an administrative action, shall also constitute code enforcement actions.

Code Violation shall mean and include a public nuisance as described or referred to in this Code, or any condition, activity or use that is caused, allowed to exist, or maintained (whether due to an affirmative act, or inaction) by a responsible person in violation of any other provision, regulation, or requirement of this Code, any code it adopts by reference or any applicable county state or federal laws or regulations.

Commission shall mean an official commission of the City.

Communications Act shall mean the Communications Act of 1934 (47 U.S.C. §§ 153, et seq.), as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996.

Community Character, is the overall perceived environmental setting of the City and includes the views of densely vegetated rolling hills, extensive natural terrain, foliage and open space, large lots, wide variety of home styles, roads conforming to the natural terrain, quiet and private residential character and dark skies.

Conditional Use is any use or activity that is subject to a Conditional Use Permit (CUP).

Conditional Use Permit (CUP) is a permit granted by the City that allows a non-entitled use within a specific zone district.

Conforming Use is a use permitted in the Zone District in which such use is carried out.

Consent Calendar is a listing of items and/or actions that may be considered and approved concurrently by the City Council. The items may be approved collectively or individual consent items may be removed and considered individually.

Construction is the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure. Construction also includes any site preparation activity, assembly, erection, substantial repair, and the alteration of public or private right-of-way, structures, utilities or similar property.

Corrals are fenced uncovered areas used for the confinement of animals.



Cumulative Effect or Cumulative Impact is the combined impact of two or more activities, projects, features or conditions.

Cumulative Footprint is the sum total of all of the *footprints* located on a lot measured in square feet.

D

Dark Skies is a concept that calls for the preservation of the views of the dark night sky through the control of light and glare from artificial lighting.

Development Application is the City Application that must be filed by a prospective developer. The Development Application, in addition to containing information concerning the Applicant and potential development, serves as a guide to the Applicant as to the necessary information that must be provided for the City to initiate the review of a development request.

Detached Living Quarters is any living space within a detached accessory building located on the same lot or parcel as a single-family residence. Such quarters may not have kitchen facilities.

Development Standards are the specific requirements and regulations that must be met to allow ministerial approval of an application for development.

Drainage Channel, refer to *Storm Water Drainage Channel*.

Drilling refers to the drilling conducted to facilitate the location or extraction of subsurface oil or gas, including drilling conducted for maintenance of existing wells.

Dwelling, Dwelling Unit is a building, containing one (1) or more rooms, that is designed and intended to be used for the occupancy by one (1) family for living and sleeping quarters and containing only one (1) kitchen.

E

Earthwork is any earthmoving activity related to grading, excavation and embankment of earth.

Easement is an interest in land created by grant, agreement or other lawful means which confers a right upon the owner of the easement, including a public agency, to some profit, benefit, dominion or lawful use of or over the estate of another.

Enclosed building or structure is a *building or structure* having a roof and that is not open and free from walls on all sides.

Encroachment Agreement is an agreement between a permittee and the City regarding any excavations, encroachments, and/or obstructions, within the public right-of-way. The City Manager is authorized to execute encroachment agreements on behalf of the City in a form approved by the City Attorney wherever the *city Manager* determines that the issuance of an *encroachment permit* with respect to the proposed activity or use would not provide sufficient protection of the property rights of the *City* or the health, safety and welfare of its residents.

Encroachment Permit is a permit granted by the City that allows limited rights of encroachment into the public right-of-way or road easement.

Enforcement Officer is an individual designated by the City Manager to enforce the provisions of the Code or other applicable law.



Environmentally Sensitive Area is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. These environmentally sensitive areas may include, but are not limited to, those identified by the Department of Fish and Game as supporting rare, threatened, or endangered species, by Los Angeles County as a Significant Ecological Area (SEA), or by the City of La Habra Heights General Plan as being environmentally sensitive.

F

Facilities or Appurtenances shall mean all property of the franchisee, including, but not limited to, pipelines, pump stations, and service connections to the franchisee's facilities, whether or not installed by the franchisee, that are erected, constructed, laid, operated or maintained in, upon, over, under, alone or across any street in accordance with any right or privilege granted by the franchise.

FCC or Federal Communications Commission shall mean the Federal administrative agency, or any lawful successor, that is authorized to regulate telecommunications services and telecommunications service providers on a national level.

Fence is a barrier composed of any material or combination of materials (including landscaping or man-made materials) placed in a manner so as to enclose or screen property.

Field Recreational Activity is any recreational activity including soccer, baseball or football that involves use of a large outdoor play field.

Fill Slope is an artificial incline of earth created by earth filling but does not include fills having no portion in excess of three (3) feet thick

Fire Resistant Vegetation is vegetation that the Fire Chief determines burns at a relatively low intensity, slow rate of spread, and with short flame lengths. *Fire resistant Vegetation* generally exhibits some or all of the following characteristics: high water content; non-resinous; low volume of total vegetation; drought-tolerant; slow-growing and, when maintained, require little care; and woody stems and branches that require prolonged heating to ignite. Healthy avocado trees shall be considered fire resistant.

Floor Area Ratio (FAR) is the ratio of the area of the second level of a structure to the area of the first level and includes enclosed second level areas open to the level below.

Footprint is the area of all vertical projections, onto the ground surface, of a house, *structure* or *building*, not including decks and patios that are not enclosed, awnings, *retaining walls* and garden *trellises*. For purposes of this definition, enclosed means having walls and a roof.

Franchise shall mean an initial authorization, or the renewal of an initial authorization, issued by the City Council, whether such authorization is designed as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, that authorizes the construction or operation of a cable system.

Franchise Fee shall mean any fee or assessment or any kind that is authorized by State or Federal law to be imposed by the City on a franchisee as compensation in the nature of rent for the franchisee's rights under the *franchise*. The term *franchise fee* does not include:

1. Any tax, fee, or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators or their services);



2. Capital costs that are required by the *franchise* to be incurred by the franchisee for public, educational, or governmental access facilities;
3. Costs or charges that are incidental to the award or enforcement of the *franchise*, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or
4. Any fee imposed under Title 17, United States Code.

Franchise Payment Period or *Franchise Report Period* shall mean (i) the period between the effective date of the ordinance granting the *franchise* and December 31 of the same calendar year; and (ii) each successive calendar year during the term of the *franchise*.

Franchise Service Area or *Service Area* shall mean the entire geographic area of the City as it is now constituted, or may in the future be constituted, unless otherwise specified in the ordinance or resolution granting a *franchise*, or in a *franchise agreement*.

Franchisee shall mean a person who is granted a *franchise*, and a person to whom a *franchise* is lawfully assigned.

Fuel Modification Zone is an area of a parcel of land where the volume of flammable vegetation is to be or has been reduced through specified degrees of thinning and/or removal of organic material.

G

Geotechnical Hazard Mitigation Program (GHMP) is the City procedure required to identify and mitigate land stability hazards that could adversely affect new or adjacent land or development.

Good Housekeeping Practices are all practices related to the storage, use or cleanup of materials performed in a manner that minimizes the discharge of pollutants.

Grade, Finished is the exposed ground surface following grading and development.

Grade, Natural is the topography that existed as of the date of the City's incorporation.

Grading is the movement or disturbance of soil on a parcel of land. For purposes of this Municipal Code, grading is any earth movement associated with a project that requires a Grading Permit (also refer to *Grading Development Project*) and includes the ground surface beneath any structure or paved or similarly covered area.

Grading, Contour (also *Grading, Landform*) is a type of grading that mimics natural terrain and landform. This type of grading creates artificial slopes that have curves and varying slope ratios in the horizontal and vertical planes designed to simulate the appearance of surrounding natural terrain.

Grading Development Project is any development, subdivision, construction, grading or other activity that requires the issuance of a grading permit by the City.

Grading, Permanent is the altered topography that will remain at the end of the project. This type of grading results in a *Finished Grade* and is the grading controlled by graded area limits.

Grading Permit is a City permit that must be obtained prior to any grading requiring a permit.

Grading, Rough is any excavation, disturbance or filling (or any combination thereof) of earth.

Graffiti Implement is any device or tool that is used to creating graffiti. Such devices may include, but



not be limited to, markers, pens, paint, brushes and spray paint.

Grantee shall mean any person that is awarded a franchise in accordance with this Code and that person's lawful successor, transferee, or assignee.

Gross Annual Cable Service Revenues shall mean the annual gross revenues derived from the grantee's operations of its cable television system within the City, excluding uncollected bad debt, refundable deposits, rebates or credits, and further excluding any sales, excise, or other taxes or charges that are required to be collected for direct pass-through to the local, State or Federal government. Revenues identified and collected from subscribers as franchise fees may not be excluded from a grantee's gross annual cable service revenues.

Group Care, Licensed is the licensed use of a residence for care of more than six (6) persons for assisted or unassisted living as defined by the State of California.

H

Habitable is any structure or room that is suitable and fit for a person to live in and free of defects that endanger the health and safety of occupants.

Hardscape is any structure or other covering in contact with the ground and includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt.

Hardscape Area is the total area of a lot or parcel that is covered by *hardscape* features and surfaces.

Haul Route is the specific street route trucks will use in the import or export of materials to and from a site.

Haul Route Permit is the permit that must be obtained from the City to identify the *Haul Route* and conditions ancillary to the activity.

Hearing Officer or Authority is the City Manager or other specified person or his or her designee, including any appointed non-employee hearing officer, except where otherwise specified.

High Water Line is the highest elevation surface water has or is projected to attain during maximum postulated flood conditions.

Home Occupation is an occupation conducted out of a private residence requiring a *Home Occupation Permit* as specified by the Home Occupation Ordinance.

I

Infraction(s) refers to the act or an instance of infringing or violating a State, Federal or local law in a manner that is not punishable by imprisonment.

Issuance Date of a Citation is the day an Administrative Citation is personally served on a *responsible person*, is mailed to a *responsible person*, or is posted on real property where a property related violation occurred.

Issue a Citation means to give, mail, or post an Administrative Citation or permit or other legal document.

J

**K**

Kitchen is any room or interior floor area space used, intended or designed for the cooking or preparation of food. This definition does not include outdoor cooking areas.

L

La Habra Heights Municipal Code refers to this Code as the codified portion of the Ordinances of the City of La Habra Heights.

Large Vehicles are those vehicles that do not fit in a typical enclosed garage attached to a residential structure. Large vehicles include motor homes, camping trailers and other types of recreational vehicles having maximum heights greater than seven (7) feet or lengths greater than twenty (20) feet.

Light Trespass is light that infringes on the privacy or draws the attention of residents of other properties through excessive light intensity, glare, or spillover.

Lot is a parcel, tract or area of land legally established by plot, subdivision, or otherwise, to be used, developed or built upon. The burden of proof to demonstrate that a unit of land is a "legal lot" is always upon the owner of the land, and not upon the City.

Lot Area is the total area of land measured in a horizontal plane within the lot lines of a lot.

Lot Coverage is the amount of land surface, usually quantified in terms of a percentage, that is covered by structures or other *hardscape* surfaces.

Lot Line Adjustment is the procedure for revising a parcel lot line.

Lot Line, Front is a line separating the front yard from any public road or *Private Residential Access Road* upon which the yard abuts.

M

Mail shall mean delivery via the U.S. Postal Service, first class.

Mains shall mean any pipelines or conduits laid in, along, or approximately parallel with any street for the collection, transmission or distribution of any substance or commodity.

Mass Grading is grading continuous between development or use areas on one or more lots.

Misdemeanor(s) is a violation of the City of La Habra Heights Municipal Code that that may be subject to imprisonment of less than one year and/or fines.

Multi-Channel Video Programming Distributor or *Video Programming Distributor* shall mean a person such as, but not limited to, a cable system operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available multiple channels of video programming for purchase by subscribers or customers.

Multiple-Lot Development is any residential development involving the simultaneous development of two or more lots in close proximity and under the same ownership or control.

Municipal Code refers to the *La Habra Heights Municipal Code*.

N



Native Species refers to plants or animal that are native (indigenous) to the local habitat(s).

Natural Topography, refer to *Natural Grade*.

Neighborhood Character is the local reflection of *Community Character* modified by the inclusion of unique qualities or features that distinguish one neighborhood from another.

Neighbor Privacy, refer to *Privacy*.

Net Area is that portion of a lot or parcel of land that is not subject to *permanent grading* or installation of permanent construction by anyone other than the parcel owner.

New Development is any activity that involves structural development, including construction or installation of any building or structure, the creation of hardscape surfaces and land subdivision.

Nonconformity, Nonconformities includes any element or characteristic of a use, lot or improvement that results in a corresponding nonconformity to the existing zoning or development ordinance.

Nonconforming Legal Building or Structure is a building or portion thereof or other structure which lawfully exists on the property and which does not comply with one or more of the property development standards of the Zone District in which it is located.

Non-Dangerous Wild Animals are animals that do not present a danger to health and/or property,

Nonresidential Structure is any building or structure that is not a primary or accessory structure within the Residential Zone District.

Notice of Decision is a notice that informs a responsible person of a decision made by a hearing authority pursuant to provisions of this Code.

Notice of Violation is any notice that informs a person that a violation of the Code, any code it adopts by reference, or other applicable law, occurred.

NPDES Permit is any waste discharge requirements issued by the Regional Board or the State Water Resources Control Board as an NPDES Permit.

O

Off Street Parking is the parking of motor vehicles not on a *street* or *private residential access road*.

On Street Parking is the parking of motor vehicles within a *street* or *private residential access road*.

Open Video System shall mean a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, including video programming, and that is provided to multiple subscribers within the City, provided that the FCC has certified that such system complies with 47 CFR § 1500 et seq., entitled "Open Video Systems."

Open Video System Operator shall mean any person or group of persons who provides *cable service* over an *open video system* and directly or through one (1) or more affiliates owns a significant interest in that *open video system*, or otherwise controls or is responsible for the management and operation of that *open video system*.

Outside Storage is the storage of goods, equipment or materials outside of a *building*.

**P**

Performance Standards are qualitative assessments that form the basis of findings required for the approval of proposed development that is not in conformance with *Development Standards*.

Permanent Position(s) are official City job functions that are not temporary in nature. Also refer to *Classified Service*.

Permit Applications are official City forms that must be completed by an Applicant to undertake a particular development activity such as grading, construction, plumbing, etc.

Planning Commission is a non-elected City body that is authorized under the State of California Planning, Zoning, and Development Law to consider land use and planning decisions

Planning Commission Secretary is the City staff person assigned to serve as the Secretary and record the proceedings of the Planning Commission meetings and be responsible for other tasks assigned to the secretary by this Code.

Plant Palette is a list of plant species.

Pollutant is any of the pollutants defined in Section 502(6) of the Federal Clean Water Act (33 U.S.C. § 1362(6) and incorporated in California Water Code § 13373). Pollutants include, but are not limited to, the following:

1. Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);
2. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;
3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State;
5. Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities); and
6. Substances having characteristics such as pH less than six (6) or greater than nine (9), or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

Preliminary Reviewing Authority is the Community Development Director or Fire Chief or his or her designee, as dependent upon the subject being reviewed.

Primary Use is the principal permitted use of a parcel or structure as defined by the Zone District in which the parcel is located.

Privacy (also Neighbor Privacy) is the quality of being secluded from the presence or view of others, including from sight, sound, smell, noise or other perception.

Private Residential Access Road is any private road or easement therefore that serves three (3) or more parcels.



Pro Shop is the incidental commercial use operated in conjunction with, upon the same premises as, and solely in support of, a golf course or club.

Project is any activity that requires a building, demolition, grading, or other City permit or approval.

Public, Educational or Government Access Facilities or *PEG Access Facilities* shall mean the total of the following:

1. Channel capacity designed for noncommercial public, educational, or government use; and
2. Facilities and equipment for the use of that channel capacity.

Public Property is any property owned by a public agency or entity.

Pure Tones are those noise sources that are characterized by a uniform octave with little or no variation.

Q

R

Residential Structures shall mean and include all structures and premises that are regulated by the California State Housing Law and any future amendments thereto. These include residential buildings and structures accessory thereto.

Responsible Person, for the purposes of a violation, is any of the following:

1. An individual or legal entity that, by action or inaction, causes or maintains a code violation or permits or allows a code violation.
2. An individual or legal entity whose agent, employee, or independent contractor, by action or inaction, causes or maintains a code violation or permits or allows a code violation.
3. An owner of, or a lessee or sublessee with the current right of possession of, real property on which a code violation occurs.
4. An individual or legal entity that uses the property where the violation occurs.
5. An on-site manager of a business normally working at the site when the business is open and responsible for the activities at such business.
6. The owners, majority stockholders, controlling owners, corporate officers, trustees, and/or general partners of a legal entity that is a responsible person under subsections 1 through 5 above.
7. If any of the above persons are minors, the parents or guardians of such minors shall be deemed responsible persons.

Ridgeline is the highest elevation contour extending along the crest of the hills as delineated on the ridgeline map adopted by the City (see Exhibit 7-9).

Right-of-Way, is the land area within a property in which other entities (other than the property owner) have a legal right to grade and/or improve and use the property for public works, roadway and traffic purposes.

Runoff is rainfall or other water discharged onto the surface of a property not absorbed by soil.



Rural means the Community Character of La Habra Heights including agricultural uses and the general absence of commercial activity and developments as well as of visible city infrastructure including street curbs, gutters, lights and signage.

Rules of Decorum are the collection of rules and regulations that govern the conduct of official City meetings. The City of La Habra Heights *Rules of Decorum* shall apply to all public meetings.

S

Safety Fences are protective fences or barriers constructed on top of a retaining wall. Safety Fences are constructed for the sole purpose of preventing persons, animals, and/or vehicles from falling from the surface created by the retaining wall.

Second Unit is a residential dwelling unit, attached or detached, that provides complete independent living and cooking facilities for one or more persons and is located on the same parcel on which a single-family dwelling is situated.

Sensitive Environmental Features, as defined in this Municipal Code, refers to any protected habitat, geological feature, plant or animal specie, or cultural resource. These Sensitive Environmental Features may be protected under Federal, State, or local (City of La Habra Heights) regulations.

Service Connection shall mean the wire, pipes, or conduits that connect the building or place where the service or commodity supplied by the franchisee is used or delivered, or is made available for use or delivery, with the supply line or supply main in the street or on private property.

Setback is the linear distance between a structure or improvement and a property line or other specified feature.

Sewer is any sanitary sewer and appurtenances thereto, lying within streets or easements dedicated to the public entity responsible for wastewater conveyance systems.

Shingle Sign, refer to *Sign, Projecting*

Sign is a display of a name, figure, message or symbol, or advertising, on a device, appliance or any other thing of similar nature designed to attract attention outdoors.

Sign Area is the sum of the surface areas of all faces of a sign.

Sign, Building Identification is a sign that contains no content other than the name and/or trademark and/or address of occupant located therein or of the building to which it is affixed.

Sign, Bulletin or Special Event is a sign on which changeable copy, bulletins, notices, messages, or displays are placed.

Sign, Civic Organization is a sign that contains the names of, or any other information regarding, civic, fraternal or religious organizations located within the City but which contains no other advertising matter.

Sign, Community Identification is a sign which contains the name of the City and appropriate travel directions but which contains no other advertising matter.

Sign, Construction is a temporary sign displayed on a project site denoting any architect, engineer, owner, lender, contractor, future tenant or others associated with a construction project.

Sign, Directional is a sign that indicates the route to, direction of, or location of a specific place.



Sign Face is that portion of a sign intended to be viewed from one direction at one time.

Sign, Flashing is any sign which, by methods or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion or creates the illusion of motion, or revolves in a manner to create the illusion of being on or off.

Sign, Freestanding (or Monument) is a sign that is placed on the ground or has its primary structural support placed in or upon the ground. Ground, monument and pole signs are included in this definition.

Sign, Lighted is a sign that is illuminated by any source whether internal, external or indirect.

Sign, Portable is a freestanding sign that is not permanently affixed, anchored or secured to the ground or a structure.

Sign, Projecting is a sign that projects out from a wall.

Sign, Real Estate is a temporary sign advertising the sale, lease or rental of a property.

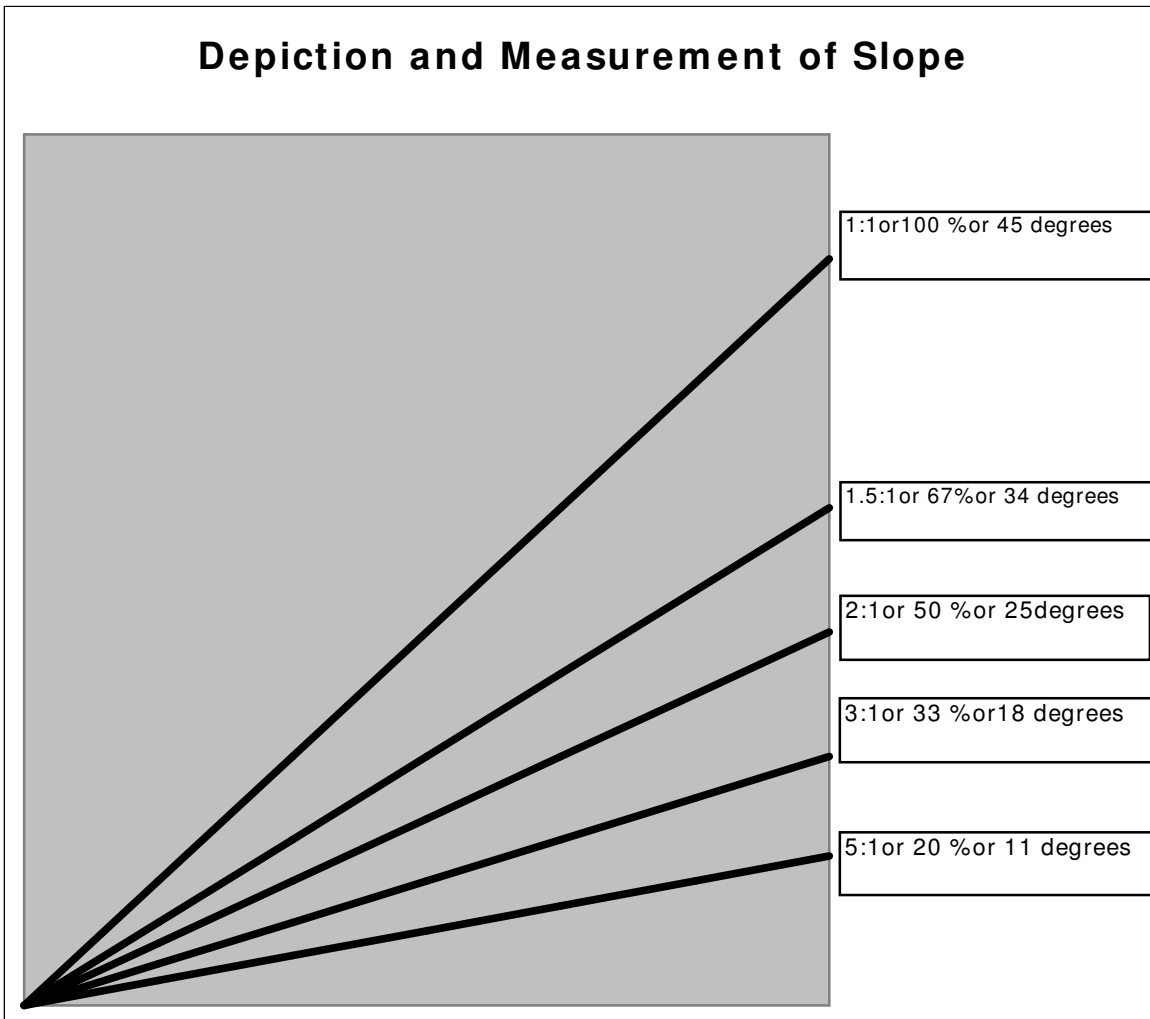
Significant Ecological Area is a geographic area within Los Angeles County that has been designated by the County of Los Angeles as containing significant habitat.

Significant Tree means a tree or trees that are at least twenty (20) inches in circumference measured four and one-half (4½) feet above the mean natural grade; or trees with more than one trunk whose combined circumference is at least thirty (30) inches as measured four and one-half (4½) feet above the mean natural grade; or indigenous species of trees on the list maintained by the Planning Division; or any tree that is visible from grounds or structures off-site and either screens structures from view of other properties or is required as part of a landscaping plan.

Single Family Residence is a building permitted to be used as a *dwelling* for a single family.

Slope is a measure of steepness and is typically presented as a ratio of the rise, for example, of land, over the distance over which that rise occurs. There are several different methods to represent slope, including as a ratio, percentage, or in degrees as shown in the following:

Depiction and Measurement of Slope



Slope Density is the relationship between the minimum area of land required for the creation of a new parcel and the *average slope* of that land area.

Solicit or *Solicitation* shall mean the request, directly or indirectly, of money, credit, property, financial assistance, patronage or other things of value, hawking, peddling, or vending for *charitable* or commercial purposes, or offering to perform services for payment, conducted door to door, in any place of public accommodation, in any place of business open to the public generally, on city streets and sidewalks, in the public parks, or in any public places. These words shall also mean and include the following methods of securing such money, patronage, credit, property, financial assistance or other thing of value, when conducted in the following manner:

- a. Any oral or written request;
- b. The distribution, circulation, posting or publishing of any handbill, written advertisement or other publication, unless such handbill or written advertisement has been placed within a business open to the public generally with the express permission of the owner or lessee of such business;



c. The offer of, sale of or taking orders for any goods, services, merchandise, wares or other tangible items.

A *solicitation*, as defined in this subsection, shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale referred to in this subsection.

Special Communications System is any device or system for transmitting and/or receiving electromagnetic signals, including but not limited to radio waves and microwaves for cellular technology, personal communication services, mobile services, paging systems and related technologies. Facilities include antennas, microwave dishes, parabolic antennas and all other types of equipment used in transmitting or receiving signals; antenna structures; associated buildings or cabinets which house support equipment; and other accessory development.

Standard Urban Storm Water Mitigation Plan (SUSMP) is a plan that designates Best Management Practices (BMPs) that must be used in specified categories of development projects. The current version of the Standard Urban Storm Water Mitigation Plan approved by the Regional Board is on file in the office of the City Clerk and must be adhered to by the City.

Standing Water is water that remains open to the air for a period in excess of seventy-two (72) hours and is not treated or otherwise protected from use by breeding insects.

Storm Water Drainage Channel is any feature, man-made or natural, that regularly accumulates and conveys storm water runoff from off-site or from a large area of the site on which it sits such that erosion or significant material transport can occur.

Story is that portion of a building included between the upper surface of any floor and lower surface of the next floor above.

Street is a public area whose function is to carry vehicular traffic and/or provide vehicular access or *private residential access road*.

Street Frontage is that portion of a lot or parcel of land that borders a *street*.

Structural Size is the cumulative area of all usable floors or levels of a structure.

Structure is defined as anything constructed or erected, which requires a fixed location on the ground, or is attached to something having a fixed location on the ground. Structures include permanently placed mechanical, electrical or plumbing equipment and fixtures, wells and well heads, detached garages, guest houses, pool houses, greenhouses, studios and workshops, storage sheds, barns, roofed pens or stables and any other open air enclosures having a roof such as gazebos and detached patio covers.

Subdivision is the division of a property into multiple lots.

Subdivision Map is the legal document whereby the lots created by subdivision are legally defined.

Subscriber or *Customer* or *Consumer* shall mean any person who, for any purpose, subscribes to the services provided by a multichannel video programming distributor and who pays the charges for those services.

Swimming Pool is any permanent structure intended for swimming or recreational bathing that has water depth over eighteen (18) inches and includes, but is not limited to, permanent in-ground, above-ground and on-ground swimming pools, and permanent fixed-in-place wading pools.



T

Telecommunications shall mean the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Equipment shall mean equipment, other than customer premises equipment, used by a telecommunications service provider to provide telecommunications service, including software that is integral to that equipment.

Telecommunications Service shall mean the offering of telecommunications directly to the public for a fee, or to such classes as to be effectively available directly to the public, regardless of the equipment or facilities that are used.

Telecommunications Service Provider shall mean any provider of telecommunications service.

Temporary Use is a use or activity that is transitional or temporary in nature. Such uses are limited and subject to the requirements of the applicable Zone District.

Toe of Slope is that line delineating the bottom of a graded sloping surface.

Trellises are garden or outdoor frames or structures of latticework designed to provide an architectural feature or shade or plant support.

U

Unclassified Service are those City job positions that have no property right in their position and serve at the pleasure of the appointing authority and that may be terminated or demoted without cause or notice.

Use is the purpose for which land or a structure is designed, arranged, intended, occupied, or maintained or the activity conducted thereon as defined by the applicable Zone District.

V

Vehicle has the meaning ascribed to that term by the California Vehicle Code.

Video Programming see *Cable Service*

Video Programming Provider shall mean any person or group of persons who has the right under the Federal copyright laws to select and to contract for the carriage of specific video programming on an open video system.

Video Provider shall mean any person, company, or service that provides one (1) or more channels of video programming to a residence, including a home, condominium, apartment, or mobile home, where some fee is paid for that service, whether directly or as included in dues or rental charges, and whether or not public rights-of-way are used in the delivery of that video programming. A "video provider" includes, without limitation, provides of cable television service, master antenna television, satellite master antenna television, direct broadcast satellite, multipoint distribution services, and other providers of video programming, whatever their technology.

View Corridor is a physical feature that allows relatively unobstructed views over distances of at least several hundred yards.

Views, Distant, means visually impressive scenes beyond immediately adjacent properties, including



views of the lights of surrounding cities, Pacific Ocean, offshore islands, the San Gabriel Mountains, ridges, canyons, valleys, or ravines.

View, Local is any view of densely vegetated rolling hills, extensive natural terrain or open space.

View, Primary means the most significant and impressive *Distant View*, as determined by the Community Development Director, from either the ground floor of the principal residence (or the primary living area, excluding bedrooms, if not located on the ground floor) or abutting outdoor deck or patio area at relatively the same elevation as the ground floor of the principal residence. The Community Development Director shall determine the *Primary View* by balancing the nature of the view to be protected and the importance of the area within the structure where the view is taken. The affected property owner shall be entitled to one *Primary View*; and once determined for a particular application, the *Primary View* may not be changed for any subsequent application. In the event the City and owner cannot agree on the *Primary view*, the decision of the City shall control.

View, Protected means a *Distant View* or a *Local View*.

Visible Section is that portion of a structure or wall that is visible from a *street* or *private residential access road*.

Violation shall mean and include a public nuisance as described or referred to in this Chapter, or any condition, activity or use that is caused, allowed to exist, or maintained (whether due to an affirmative act, or inaction) by a responsible person in violation of any other provision, regulation, or requirement of this Municipal Code, or any applicable County, State or Federal laws or regulations.

W

Wall is any structure or physical barrier constructed to prevent the passage of light, air and sight through its surface.

Wall Packs are self-contained lighting units that are attached to wall surfaces.

Walls, Retaining are walls designed to retain earth or other materials.

X

Y

Yard is the open space on a lot or parcel of land created by the application of required setbacks and unoccupied and unobstructed by specified development from the ground upward.

Yard, Front is defined as a yard extending across any portion of a lot or parcel of land that has a boundary on a public street or *Private Residential Access Road*.

Yard, Other is any yard area that is not the *Front Yard*.

Z

Zone (or *Zone District*) is a land area shown on the official Districting (Zoning) Map of the City of La Habra Heights.