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***MUNICIPAL CODE***

***OF***

***CITY OF EAST PALO ALTO***

***1987***

# Introduction

## INTRODUCTION

The Municipal Code of the City of East Palo Alto is a compilation of those ordinances adopted by the East Palo Alto City Council which govern the conduct of the business of the the city or are intended to further the general health, safety and welfare of the citizens of the City of East Palo Alto.

The major part of the regulatory ordinances of the City were originally codified by enactment of Ordinance No. 1, adopted by the East Palo Alto City Council on July 1, 1983, immediately following the incorporation of the city. This ordinance provided that the San Mateo Ordinance Code remain in effect. Since that time, the City Council has adopted additional and superceeding ordinances. Material contained in the County Ordinance Code which does not apply to the City has been removed. The current revision of the Code reflects these additions and removals.

The format of the East Palo Alto Municipal Code consists of Titles which are divided into Chapters, Articles and Sections. Title 1 presents the general provisions of of the East Palo Alto Municipal Code governing its purpose, contents, definitions and a description of its construction. The subjects of the 12 Titles which currently comprise the East Palo Municipal Code are:

- Title 1 - General Provisions.
- Title 2 - Administration.
- Title 3 - Finance, Revenue and Taxation.
- Title 4 - Public Safety.
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- Title 6 - Sanitation and Health.
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- Title 8 - Business, Professions and Trades.
- Title 9 - Building Regulations.
- Title 10 - Planning, Zoning and Subdivisions.
- Title 11 - Public Utilities.
- Title 12 - Housing Regulation.

The Code may be amended by adoption of pertinent ordinances by the East Palo Alto City Council; the date indicated at the bottom of each Section reflects the date of the most recent amendment. In cases where no amendments have taken place since the adoption of the code, the original date of adoption, July 1, 1983, applies.

Updating and distribution of the East Palo Alto Municipal Code is the responsibility of the Office of the City Clerk, City Hall, 2415 University Avenue, East Palo Alto, CA 94303.

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2	1	Superseded
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8	2	Council Salery
9	3	Sales Tax
10	12	Superseded
11	1	Superseded
12	1	Superseded
13	2	City Manager
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15	2	Supplys
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17	12	Superseded
18	4	Emergencies
19	11	Elec. Franchise
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21	10	Indust. Dist.
22	10	Office Resid.
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24	3	Sales & Use Tax
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26	10	Sect. Dist. Map
27	4	Hazardous Subs.
28	2	Planning Com.
29	2	Parks and Rec.
30	12	Superseded
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35	12	Superseded
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41	2	Pub. Safe. Comm.
42	2	Arts Commission
43	12	Superseded
44	7	Ped. Control
45	2	Hum. Serv. Comm.
46	2	City Manager
47	2	Comm. Relations
48	4	Dirt Hauling
49	2	Police Depart.
50	2	Planning Comm.

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*Title I*

## TITLE I. GENERAL PROVISIONS

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TITLE I. GENERAL PROVISIONS

CHAPTER 1. ADOPTION OF CODE.

Article 1. Title and Construction.

Section 1-1.101 Title.

This Code shall be known as the "East Palo Alto Municipal Code" and it shall be sufficient to refer to said Code as the "East Palo Alto Municipal Code" in any prosecution for the violation of any provisions thereof. It shall also be sufficient to designate any ordinance adding to, or repealing said Code, or portions thereof, as an addition or amendment to, or as a repeal of the "East Palo Alto Municipal Code". (Ord. No. 1-83, 7-1-83)

Section 1-1.102. Codification Authority.

This Code consists of regulatory, penal and administrative ordinances of the City of East Palo Alto, codified pursuant to the authority set forth in Article 2, Chapter 1 of part 1 of Division 1 of Title 5, Government Code of the State of California. (Ord. No. 1-83, 7-1-83)

Section 1-1.103. Effective Date.

The Code takes effect by reference upon the effective date of adoption. (Ord. No. 1-83, 7-1-83)

Section 1-1.104. Effect of Code on Past Actions and Obligations.

Neither the adoption of this Code nor the repeal hereby of any ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty at said effective date, due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations which have accrued thereunder shall continue in full force and effect.

The provisions of this Code, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

Section 1-1.105. Reference to Specific Ordinances.

The provisions of this Code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within this Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code. (Ord. No. 1-83, 7-1-83)

Section 1-1.106. Validity of Code.

If any section, subsection, sentence, clause, phrase or portion of this Code 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 Code. The Council hereby declares that it would have adopted this Code and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional. (Ord. No. 1-83, 7-1-83)

Section 1-1.107. Repealing.

All ordinances or portions of ordinances in conflict with the provisions of this code are hereby repealed. (Ord. No. 1-83, 7-1-83)

Section 1-1.108. Construction and Interpretation of Code.

All the provisions of this Code and all City ordinances shall be interpreted to refer to the appropriate or designated officer or office of the City, and whether an ordinance, uniform Code, statute, or other matter which is adopted by reference refers to any department, officer, employee, inspection, police or other function, unless the context requires otherwise, all such references shall be to the appropriate or designated office, officer, department, agency employee, or function of the City. (Ord. No. 1-83, 7-1-83)

Section 1-1.109. Maintenance of Code.

Not less than three copies of this Code shall be filed for use and examination by the public in the office of the City Clerk. At least three additional copies, duly certified by the City Clerk shall be permanently bound and maintained on file in his/her office. Additional copies shall be prepared and shall be mounted in such binders as the City Clerk prescribes. Copies thereof shall be distributed to the departments and divisions of the City as necessary.

Upon the adoption of any amendment or addition to said Code, or upon the repeal of any of its provisions, the City Clerk shall certify thereto and shall make an appropriate

notation in the bound volumes of said Code of the taking of such action, noting thereon the number of the ordinance pursuant to which such action is taken.

Duly certified copies of every ordinance making changes in such Code shall be filed in the City Clerk's Office in books maintained for such purpose, duly indexed for ready reference.

The City Clerk shall prepare printed copies of such changes in the Code for insertion in the copies thereof and for distribution as required. Every section of the Code so changed shall have printed thereon a notation of the ordinance number pursuant to which such change is adopted.

At least twice yearly, the City Clerk shall cause the pages of said Code in which changes have been made to be reprinted, including the notation as to the ordinance number pursuant to which such change is adopted, in order that at least twice yearly the copies of such Code, prepared for the use and convenience of the officers and employees of the City and the general public, may be brought up to date. (Ord. No. 1-83, 7-1-83)

## Article 2. Penalty Provisions.

### Section 1-2.101. Violations, Misdemeanors or Infractions.

#### 1) In General.

a) Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than One Thousand and no/100ths (\$1000.00) Dollars, or by imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code, or the provisions of any Code adopted by reference by this Code, is committed, continued, maintained, or permitted by such person and shall be punishable accordingly.

b) Any person convicted of an infraction under the provisions of this Code shall be punishable for a first conviction by a fine of not more than One Hundred and no/100ths (\$100.00) Dollars, for a second conviction within a period of one year by a fine of not more than Two Hundred and no/100ths (\$200.00) Dollars, and for a third or any subsequent conviction within a period of one year by a fine of not more than Five Hundred and no/110ths (\$500.00) Dollars.

c) In addition to the penalties provided by this section, any condition caused, maintained, or

permitted to exist in violation of any of the provisions of this Code, or the provisions of any Code adopted by reference by this Code, or any subdivision, building, wiring, plumbing, or other similar activity in violation of the provisions of this Code shall be deemed a public nuisance and may be summarily abated by the City and each day such condition continues shall be a new and separate offense.

d) No person shall violate any provision or fail to comply with any of the requirements of this Code.

e) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, except the provisions and requirements set forth in subsection (f) of this section, shall be guilty of a misdemeanor as designated by, and provided for, in Sections 16, 17, 19c and 19d of the Penal Code of the State and as expressly specified in Section 40000 of the Vehicle Code of the State. The following provisions, on any violation, shall be deemed a misdemeanor.

f) Any person violating any of the following provisions, or failing to comply with any of the following provisions of this Code shall be guilty of an infraction.

g) The following officers and their subordinates shall have and are hereby vested with the authority to issue a citation to any person who violates the provisions of this Code set forth in this section in the manner provided by Section 836.5 of the Penal Code of the State:

TITLE OF OFFICERS  
Building Inspector  
City Engineer  
City Planner  
Public Works Director

h) The Council shall have the power to designate by written order that particular officers or employees shall be authorized to enforce the provisions of this Code as set forth in this section in addition to those officers enumerated in subsection (g) of this section. Officers or employees so designated shall have the authority to arrest persons who violate any of said provisions.

i) An officer or employee designated pursuant to subsection (g) or subsection (h) of this section shall be determinative of the enforcement powers of such officer or employee, notwithstanding a designation of a different officer or employee within the particular

provision of this Code referred to in subsection (g) of this section.

2) Penalty Provisions.

a) Violation, a Misdemeanor. No person shall violate any provisions, or fail to comply with any of the mandatory requirements of this Code. Except as otherwise provided in Section 3 below, any person violating any provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor under and shall, unless specified otherwise, be subject a fine of not more than \$1,000 dollars or an imprisonment not to exceed six months.

3) Violation of Certain Ordinance Provisions

a) Infractions. Any person violating or causing the violation of the following chapters and ordinances appearing under the following subjects and/or headings or of any other ordinance so providing, shall be guilty of an infraction.

1. Environmental Health Code

i. Construction or Alteration of Food Establishment

ii. Itinerant Restaurants

iii. Mobile Food Vendors

iv. Caterers

v. Dating and Labelling Requirements for Sandwiches, Box Lunches, and other Foods.

vi. Vending Machines

vii. Food Equipment

2. Sections 5-2.101 to 5-2.112 of this Code, providing for the abatement of Public Nuisance.

3. Sections 3-1.101 to 3-1.230 of this Code, providing for the licensing of Businesses in East Palo Alto.

4. Title 12 of this Code, Planning and Zoning.

5. Title 9 of this Code, Building Regulation.

- a. Uniform Building Code, 1979.
  - b. National Electrical Code, 1981.
  - c. Uniform Plumbing Code, 1979
  - d. Uniform Mechanical Code, 1976.
  - e. Uniform Housing Code, 1979.
  - f. Individual Sewage Disposal System.
  - g. Excavating, Grading, Filling and Clearing Regulations.
6. Violation of Section 3333.00 et seq of the City of East Palo Municipal Code re: Animal Control.
  7. Dirt Hauling Ordinance, Ordinance No. 148, 1984.
  8. Violation of Section 3420 of the East Palo Alto Municipal Code requiring Encroachment Permits.
  9. Violation of Section 8600, et seq. of the City of East Palo Alto Code providing for regulation of excavating, grading, filling and clearing within the City.
  10. Mobile vendors Ordinance, Ordinance No. 070.
- b) Penalties for Infractions. Pursuant to California Government Code Sections 36900 and 36901, the penalty by fine for infractions shall be as follows:
1. A fine of One Hundred Dollars (\$100) for a first violation;
  2. A fine of Two Hundred Dollars (\$200) for a second violation of the same section of the same ordinance within one year; and
  3. A fine of Five Hundred Dollars (\$500) for each additional violation of the same section of the same ordinance within one year.
- c) Misdemeanors. Unless otherwise specified, upon a third or subsequent conviction of the same section of any city ordinance, designated punishable as an infraction, committed within a period of one year, the fourth violation may, at the discretion of the City Attorney, be charged as a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.
- e) Person. "Person" includes any individual, firm, association, organization, partnership, business



trust, joint venture, corporation, company, or any other organization or group of persons acting in concert, whether as principal, agent, employee, manager, lessee, servant, officer, or otherwise.

- e) Civil Action. In addition to any other remedies provided in this section, any violation of this section may be enforced by civil action.
- f) Authority to Issue Citations. In addition and supplement to the provisions of the Penal Code relating to public offenses and the authority of peace officers, the City Council hereby designates the following employees who are classified (or who may hereafter be classified by some other appropriate designation with substantially the same duties) as enforcement authorities for violations of City ordinances: Community Development Director, Senior City Planner, Building Inspector, Assistant to the City Manager, Police Services Technician, Police Officer, Police Sergeant, Public Works Director, Junior Civil Engineer, Administrative Assistant, Maintenance Division Manager, Maintenance Supervisor/Operator, Maintenance Worker III, and Animal Control Officer. Such public officers or employees may issue a citation and notice to appear in the manners prescribed by Chapter 5c of Title 3, Part 2 of the California Penal Code (or as the same may hereafter be amended). It is the intent of the City Council that the immunities prescribed in Section 836.5 of the Penal Code be applicable to public officers and employees acting in the course and scope of employment pursuant to this Code.
- g) Severability. If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(Ord. No. 1-83, 7-1-83, as amended by Ord. No. 64-85, 10-21-85, as amended by Ord. No. 73-86, 2-18-86)

#### Section 1-2.102. Prohibited Acts.

Whenever in this Code any act or omission is made unlawfull, it shall include causing, permitting, aiding, abetting, suffering, maintaining, or concealing the fact of such act or omission. (Ord. No. 1-83, 7-1-83)

Section 1-2.103. Imposition of Penalties.

The provisions of this Code which declare certain crimes to be punishable as therein mentioned create a duty for the court authorized to pass sentence to determine and impose the punishment described. (Ord. No. 1-83, 7-1-83)

Section 1-2.104. Determination of Punishment.

Whenever in this Code the punishment for a crime is left undetermined between certain limits, the punishment to be inflicted in a particular case shall be determined by the court authorized to pass sentence, within such limits as may be prescribed by this Code. (Ord. No. 1-83, 7-1-83)

Section 1-2.105 Place of Confinement.

a) Under Section 36903 of the Government Code, imprisonment in the County Jail is prescribed as the place for imprisonment for each violation of a City ordinance.

b) This ordinance is for the immediate preservation of the public peace, health, safety and welfare. This ordinance takes place immediately.

(Ord. No. 6-83, 7-1-83)

Section 1-2.106. Fees, Charges, Licenses, Taxes: Made a Civil Debt

The amount of any fee, service charge, utility charge, license, or tax of any nature whatsoever imposed by any provision of this Code shall be deemed in a civil debt owing to the City. An action may be commenced in the name of the City in any court of competent jurisdiction for the collection of the amount of any such delinquent or unpaid fee, service charge, utility charge, license, or tax, together with any penalties applicable thereto as prescribed by this Code. The remedy prescribed by this section shall be cumulative, and the use of an action to collect such an amount as a debt by civil action shall not bar the use of any other remedy provided by this Code or by laws for the purpose of enforcing the provisions thereof.

Article 3. Rules of Construction.

Section 1-3.101. Scope.

Unless the provisions of this Code otherwise specifically provide or the context otherwise requires, the general provisions, rules of construction, and definitions set forth in this Chapter shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to effect its objectives and to promote justice. (Ord. No. 1-83, 7-1-83)

Section 1-3.102. Effect of Headings.

The Title, Chapter, Article and Section headings contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any Title, Chapter, Article or Section of this Code. (Ord. No. 1-83, 7-1-83)

Section 1-3.103. Acts by Deputies.

Whenever a power is granted to, or a duty is imposed upon, a public officer, or employee, the power may be exercised by, or the duty may be of, such officer or employee or a person otherwise duly authorized pursuant to law or ordinance, unless this Code expressly provides otherwise. (Ord. No. 1-83, 7-1-83)

Section 1-3.104. Writing.

Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise. (Ord. No. 1-83, 7-1-83)

Section 1-3.105. Reference Application to Amendments.

Whenever a reference is made to any portion of this Code, or to any ordinance of this City, the reference applies to all amendments and additions now or hereafter made. (Ord. No. 1-83, 7-1-83)

Section 1-3.106. Definitions.

For the purposes of this Code, unless otherwise apparent from the context or defined differently, certain words and phrases used in this Code are defined as follows:

- a) "Calendar year" shall mean from January 1 through December 31 of any given year.
- b) "City" shall mean the City of East Palo Alto.
- c) "Code" shall mean the Municipal Code of the City of East Palo Alto, as enacted herein, and any and all amendments and supplements thereto and modifications thereof, unless some other code is indicated.
- d) "Council" shall mean the City Council of the City of East Palo Alto.
- e) "Councilmember" shall mean a person duly elected to the Council.

- f) "County" shall mean the County of San Mateo.
- g) "Fiscal year" shall mean from July 1 of any given year tharough June 30 of the following year.
- h) "Gender": the masculine gender shall include the feminine and neuter genders.
- i) "Goods" shall mean and include wares and merchandise.
- j) "May" shall be permissive.
- k) "Month" shall mean a calendar month, unless otherwise expressed.
- l) "Number" The singular number shall include the plural, and the plural number shall include the singular.
- m) "Oath" shall include affirmation.
- n) "Office" The use of the title of any officer, employee, office, or ordinance shall mean such officer, employee, office, or ordinance of the City, unless otherwise specified.
- o) "Official Time Standard": Wherever certain hours are named in this Code, they shall mean standard time or daylight saving time as may be in current use in the City.
- p) "Operate" shall mean and include carrying on, keeping, conducting or maintaining.
- q) "Owner" applied to a building or land, shall include any part owner, joint owner, tenant, tenant in common, or joint tenant of the whole or a part of such building or land.
- r) "Person" shall include any person, firm, company, corporation, partnership, association, public corporation, political subdivision, city (except the City of East Palo Alto), the County of San Mateo, any district in the County of San Mateo, the State of California, or the United States of America, or any department or agency of any thereof, unless this Code expressly provides otherwise.
- s) "Personal property" shall include money, goods, chattels, things in action, and evidences of debt.
- t) "Property" shall include real and personal property.

- u) "Quarterly", where used to designate a period of time, shall mean the first three (3) calendar months of any given year or any succeeding period of three (3) calendar months.
- v) "Real Property" shall include lands, tenements, and hereditaments.
- w) "Sale" shall include any sale, exchange, barter, or offer for sale.
- x) "Shall" shall be mandatory.
- y) "State" shall mean the State of California.
- z) "Street" shall include all streets, highways, avenues, boulevards, alleys, courts, places, squares, or other public ways in the City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the State.
- aa) "Tenant or occupant", applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
- ab) "Tense": The present tense shall include the past and future tenses, and the future tense shall include the present tense.

(Ord. No. 1-83, 7-1-83)

#### Article 4. Appeals.

##### Section 1-4.101. Application of Provisions.

Whenever an appeal to the Council from an act, ruling or determination of a board, commission, or officer, or from a denial, suspension, or revocation of a permit or license, is allowed by a provision of this Code, the procedures set forth in this article shall apply unless specifically provided otherwise. (Ord. No. 1-83, 7-1-83)

##### Section 1-4.102. Notices of Appeal: Time for Filing.

- a) Within fifteen (15) days after the act or determination appealed from, the person aggrieved shall file in duplicate with the City Clerk a written notice of appeal.
- b) If a board, commission, or officer makes a decision as the result of a hearing and announces that decision on a date other than a date specified for the hearing or continued hearing of the matter before the

board, commission, or officer, any person who appeared thereat and addressed the board, commission or officer in connection with such matter may file the notice of appeal not later than fifteen (15) days after the mailing of the notice by the board, commission, or officer of the determination to such a person in the manner provided in this article, whichever first occurs. The board, commission, or officer shall make and file a declaration of the mailing.

c) Timely filing of the notice of appeal shall be a jurisdictional requirement.

(Ord. No. 1-83, 7-1-83)

Section 1-4.103. Notices of Appeal: Contents.

Every notice of appeal shall contain a statement of the facts upon which it is based and the relief requested in sufficient detail to enable the Council to understand the nature of the controversy and the parties concerned. (Ord. No. 1-83, 7-1-83)

Section 1-4.104. Notices of Appeal: Service on Respondents and Certification of Records.

a) The board, commission, or officer from whose act or determination the appeal is taken shall be considered the respondent. The City Clerk shall forthwith deliver to the respondent an exact copy of the Notice of Appeal. In cases where an officer appeals from the determination of a board or commission, the commission or board and the parties who are applicants or real parties in interest shall be considered the respondents. The notice shall be given by mail to the interested private parties in the manner provided in Section 1-4.107 of this chapter.

b) Upon the receipt of the copy of Notice of Appeal, the respondent board or commission shall promptly transmit to the Council the original or certified copies of the minutes of the hearing, if any, the decision or determination, and all other papers constituting any part of the record upon which the determination or act was based.

c) When an appeal is taken from the denial of a permit or license or from an act or determination where there has been no hearing or formal written decision, the respondent, upon receipt of the copy of the Notice of Appeal, shall immediately prepare and submit to the Council a report setting forth the nature of the act or determination and the reasons therefor.

d) The Notice and the record or report shall be submitted to the Council at its next regular meeting; provided, however, any Notice filed after noon of the third business day preceding the meeting shall be presented at the next following meeting.

(Ord. No. 1-83, 7-1-83)

Section 1-4.105. Denial of Appeals.

If, in the opinion of the Council, the facts stated in the notice of appeal do not warrant a hearing, the appeal may be dismissed forthwith, and the decision of the respondent board, commission, or officer shall thereupon become final. (Ord. No. 1-83, 7-1-83)

Section 1-4.106. Orders for Rehearings by Respondents: Notices.

Where there has been a prior hearing before the respondent board, commission, or officer, and the Council determines that new and material evidence not previously presented to the respondent is available, and such evidence could not with reasonable diligence have been discovered and produced at the prior hearing before the respondent, the Council may order that the respondent rehear such matter. Written notice shall be given the respondent and mailed to the appellant, and to such other persons as may have appeared and addressed the respondent at the prior hearing in connection with such matter, at least seven (7) days before the date of the rehearing, and no other notice need be given. (Ord. No. 1-83, 7-1-83)

Section 1-4.107. Notices, Reports, and Documents: Service by Mail.

Whenever a notice is required to be given by this article, or the service of reports, documents, or papers is required or is directed by the Council to be made, the notice or service may be given or made by addressing the same to the party or parties at the last address known and depositing the same, postage prepaid, in the United States mail. (Ord. No. 1-83, 7-1-83)

Section 1-4.108. Council Hearings: Notices.

If the Council finds that the facts stated in the Notice of Appeal and the appellant's application, if any, constitute a matter of sufficient substantiality to warrant a hearing in the public interest, the Council shall set a time for the hearing and shall cause notice thereof to be given to the appellant, to the respondent, and to such other persons as may have an interest in the matter and have previously identified themselves in connection therewith. (Ord. No. 1-83, 7-1-83)

Section 1-4.109. Council Hearings.

Unless otherwise ordered and noticed, hearings shall be held as a part of the regular meeting of the Council. The hearing shall be de novo in that an independent reexamination of the matter shall be made. The appellant shall have the burden of proof in all cases, and where it appears that an appellant was served with a notice of hearing but fails to appear either in person or by counsel, or fails to present or offer evidence, the Council may adopt the determination or approve the act of the board, commission, or officer, or it may itself decide the matter upon the record with or without taking any additional evidence. Unless a demand is made, witnesses will not be sworn. It shall not be grounds for objection that evidence is hearsay or secondary, but the Council's decision shall be made upon substantial evidence. (Ord. No. 1-83, 7-1-83)

Section 1-4.110. Council Decisions.

Upon the hearing of the appeal, the Council may refer the matter back to the respondent board, commission, or officer with directions for further consideration, or the Council may reverse, affirm, or modify the determination of the action of the respondent, and the Council may make such decision or determination as may appear just and reasonable in light of the evidence presented, and the Council's decision shall be final and conclusive. The decision shall be entered in the minutes of the meeting as a motion. Testimony taken at hearings on appeals will not be transcribed or filed, except upon the request of a party thereto accompanied by the payment of the administrative costs and expenses of transcription. (Ord. No. 1-83, 7-1-83)

Section 1-4.111. Council Findings.

At the close of the hearing of the appeal, the Council shall prepare written findings if, prior to adjournment, the appellant or an aggrieved party requests the Council to make written findings. In such event the Council shall direct the City Attorney to draft a resolution containing the facts found to be true, which findings shall be considered and adopted by motion or resolution at a regular meeting of the Council not later than two (2) weeks next following the close of the appeal hearing. The findings shall include the reasons for the Council's ruling, including, but not limited to, the findings or facts, if any, required by the Code provisions or ordinance upon which the appeal is based. (Ord. No. 1-83, 7-1-83)