

**ORDINANCE NO. 930 C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING  
MAP PREZONING THE SPECIFIC PARCELS IDENTIFIED WITHIN  
EXHIBIT "A"**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:**

**SECTION 1.** The Planning Commission of the City of Madera and this Council have held public hearings upon the prezoning of this property and have determined that the proposed prezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

**SECTION 2.** The City of Madera Zoning Map as provided for in Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

**SECTION 3.** Based upon the testimony and information presented at the hearing, the adoption of the proposed prezoning is in the best interest of the City of Madera, and the Council hereby approves the prezoning based on the following findings:

**FINDINGS:**

1. THE PROPOSED PREZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING ORDINANCE.
2. THE PREZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. THE CITY AGREES THAT NO SUBSEQUENT CHANGE MAY BE MADE TO THE GENERAL PLAN FOR THE ANNEXED TERRITORY OR ZONING THAT IS NOT IN CONFORMANCE TO THE PREZONING DESIGNATIONS FOR A PERIOD OF TWO YEARS AFTER THE COMPLETION OF THE ANNEXATION, UNLESS THE LEGISLATIVE BODY FOR THE CITY FINDS AT A PUBLIC HEARING THAT A SUBSTANTIAL CHANGE HAS OCCURRED IN CIRCUMSTANCES THAT NECESSITATES A DEPARTURE FROM THE PREZONING IN THE APPLICATION TO THE COMMISSION.

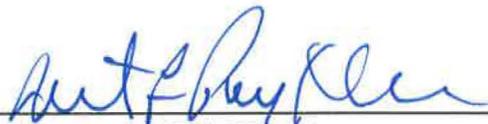
**SECTION 4.** This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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The foregoing Ordinance No. 930 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 17<sup>th</sup> day of February, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 2<sup>nd</sup> day of March, 2016 by the following vote:

AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver.  
NOES: None.  
ABSTENTIONS: None.  
ABSENT: None.

APPROVED:

  
ROBERT L. POYTHRESS, Mayor

ATTEST:

  
SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:

  
BRENT RICHARDSON, City Attorney

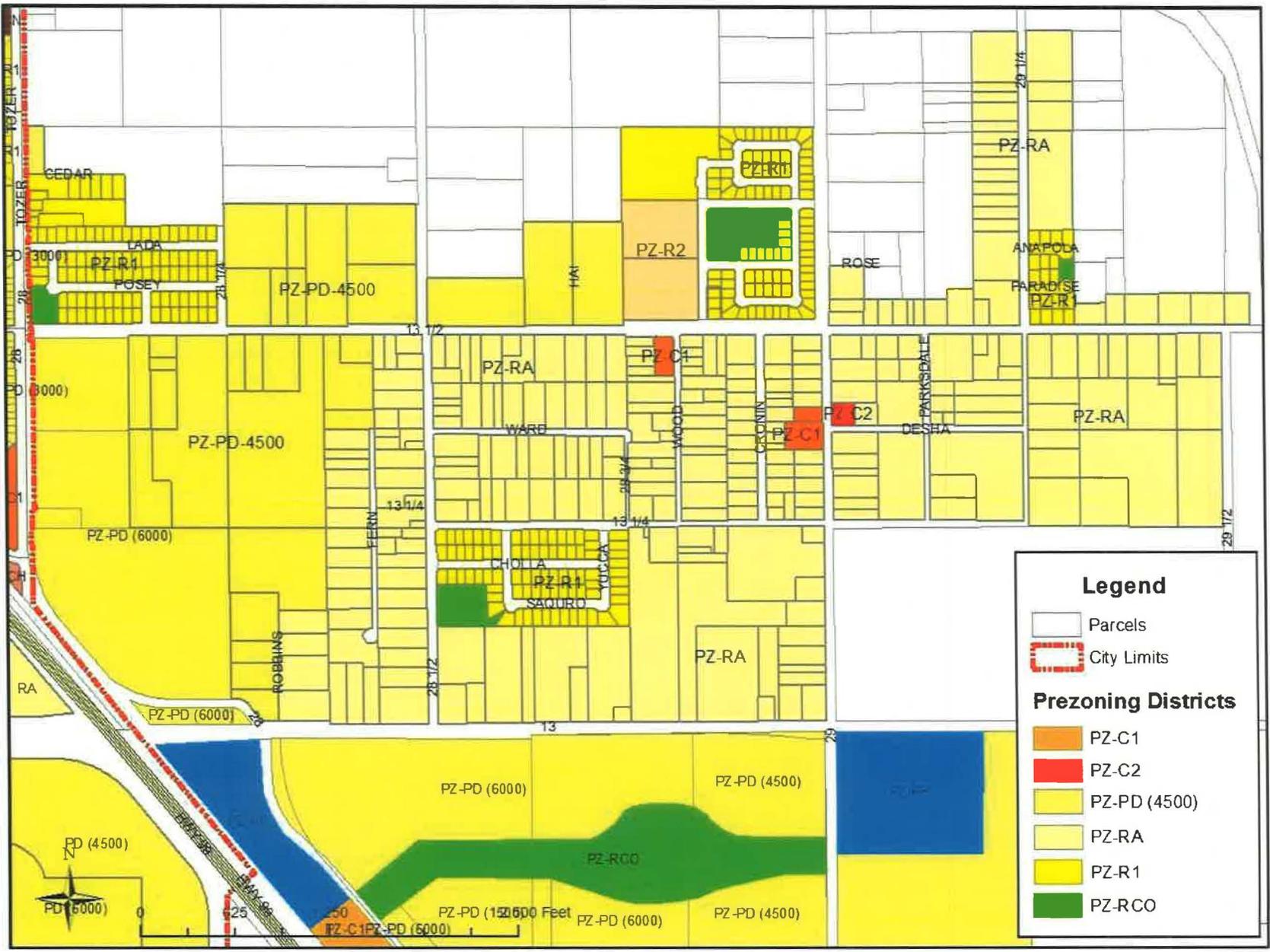


EXHIBIT 'A'

**ORDINANCE NO. 931 C.S.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AMENDING SECTION 1310 OF CHAPTER 3 OF TITLE X OF THE MADERA MUNICIPAL CODE PERTAINING TO ACTION ON APPEAL OF PLANNING COMMISSION DECISIONS

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

SECTION 1. Section 1310 of Chapter 3 of Title X, of the Madera Municipal Code is hereby amended as follows:

**§ 10-3.1310 ACTION ON APPEALS BY COUNCIL.**

(A) The Council, at its next duly held meeting, shall set a date and time for a public hearing on the appeal and shall cause notice of such hearing to be posted in the vicinity of the property described in the application.

(B) The Commission shall submit to the Council a report setting forth the reasons for the action taken by the Commission, or a member of the Commission shall be present at such public hearing to represent the Commission.

(C) The Council shall render its decision within 60 days after the filing of such appeal.

(D) The Council may, by resolution, affirm, reverse, or modify, in whole or in part, any decision, determination, or requirement of the Commission but before granting any appealed petition which was denied by the Commission, or before changing any of the conditions imposed by the Commission in a use permit granted by the Commission, the Council shall make a written finding of fact setting forth wherein the Commission's findings were in error.

(E) A ~~four-fifths~~ [five-sevenths] vote of the whole of the Council shall be required to grant, in whole or in part, any appealed application denied by the Commission.

SECTION 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void for any other reason.

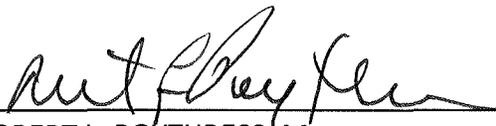
SECTION 3. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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The foregoing Ordinance No. 931 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 17<sup>th</sup> day of February, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 2<sup>nd</sup> day of March, 2016 by the following vote:

AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver.  
NOES: None.  
ABSTENTIONS: None.  
ABSENT: None.

APPROVED:

  
ROBERT L. POYTHRESS, Mayor

ATTEST:

  
SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:

  
BRENT RICHARDSON, City Attorney

ORDINANCE NO. 932 C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA  
AMENDING SUBSECTION E OF §2-2.305 OF TITLE II OF THE MADERA MUNICIPAL CODE  
RELATING TO CIVIL SERVICE AND EXCEPTIONS TO THE COMPETITIVE SERVICE**

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

SECTION 1. Subsection E of §2-2.305 of Title II of the Madera Municipal Code is amended to read as follows:

(E) The City Administrator, Police Chief, Golf Course Superintendent, ~~Director of Finance/Treasurer~~[Director of Financial Services], City Attorney and attorney subordinates, if any, City Clerk, City Engineer, Director of Community Development, Public Works Operations Director, Director of Parks and Community Services, Planning Manager, Director of Human Resources, Executive Director [of the Successor Agency to the Former Madera] Redevelopment Agency, Director of Administrative Services, Chief Building Official, Grant Administrator, Information Services Manager, [Communications Manager] and Neighborhood Preservation Manager.

SECTION 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void for any other reason.

SECTION 3. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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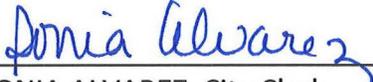
The foregoing Ordinance No. 932 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 2<sup>nd</sup> day of March, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 16<sup>th</sup> day of March, 2016 by the following vote:

- AYES: Mayor Poythress, Council Members Medellin, Holley, Robinson, Oliver.
- NOES: None.
- ABSTENTIONS: None.
- ABSENT: Council Member Rigby

APPROVED:

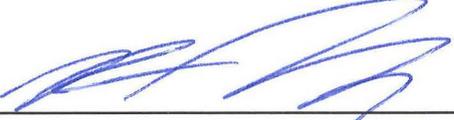
  
 \_\_\_\_\_  
 ROBERT L. POYTHRESS, Mayor

ATTEST:

  
 \_\_\_\_\_  
 SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:

  
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 BRENT RICHARDSON, City Attorney

**ORDINANCE NO. 933 C.S.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP PREZONING APPROXIMATELY TWENTY ACRES LOCATED AT THE NORTHWEST CORNER OF TOZER STREET (ROAD 28) AND SOUTH A STREET TO THE PF (PUBLIC FACILITY) ZONE DISTRICT AS IDENTIFIED WITHIN EXHIBIT "A"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the prezoning of this property and have determined that the proposed prezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title X of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed prezoning is in the best interest of the City of Madera, and the Council hereby approves the prezoning based on the following findings:

FINDINGS:

1. THE PROPOSED PREZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING ORDINANCE.
2. THE PREZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. THE CITY AGREES THAT NO SUBSEQUENT CHANGE MAY BE MADE TO THE GENERAL PLAN FOR THE ANNEXED TERRITORY OR ZONING THAT IS NOT IN CONFORMANCE TO THE PREZONING DESIGNATIONS FOR A PERIOD OF TWO YEARS AFTER THE COMPLETION OF THE ANNEXATION, UNLESS THE LEGISLATIVE BODY FOR THE CITY FINDS AT A PUBLIC HEARING THAT A SUBSTANTIAL CHANGE HAS OCCURRED IN CIRCUMSTANCES THAT NECESSITATES A DEPARTURE FROM THE PREZONING IN THE APPLICATION TO THE COMMISSION.

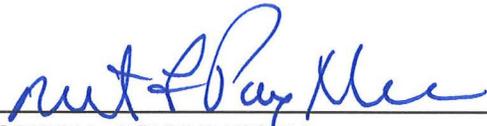
SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

\* \* \* \* \*

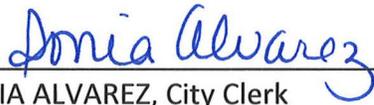
The foregoing Ordinance No. 933 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 16<sup>th</sup> day of March, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 6<sup>th</sup> day of April, 2016 by the following vote:

AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver.  
NOES: None.  
ABSTENTIONS: None.  
ABSENT: None.

APPROVED:

  
\_\_\_\_\_  
ROBERT L. POYTHRESS, Mayor

ATTEST:

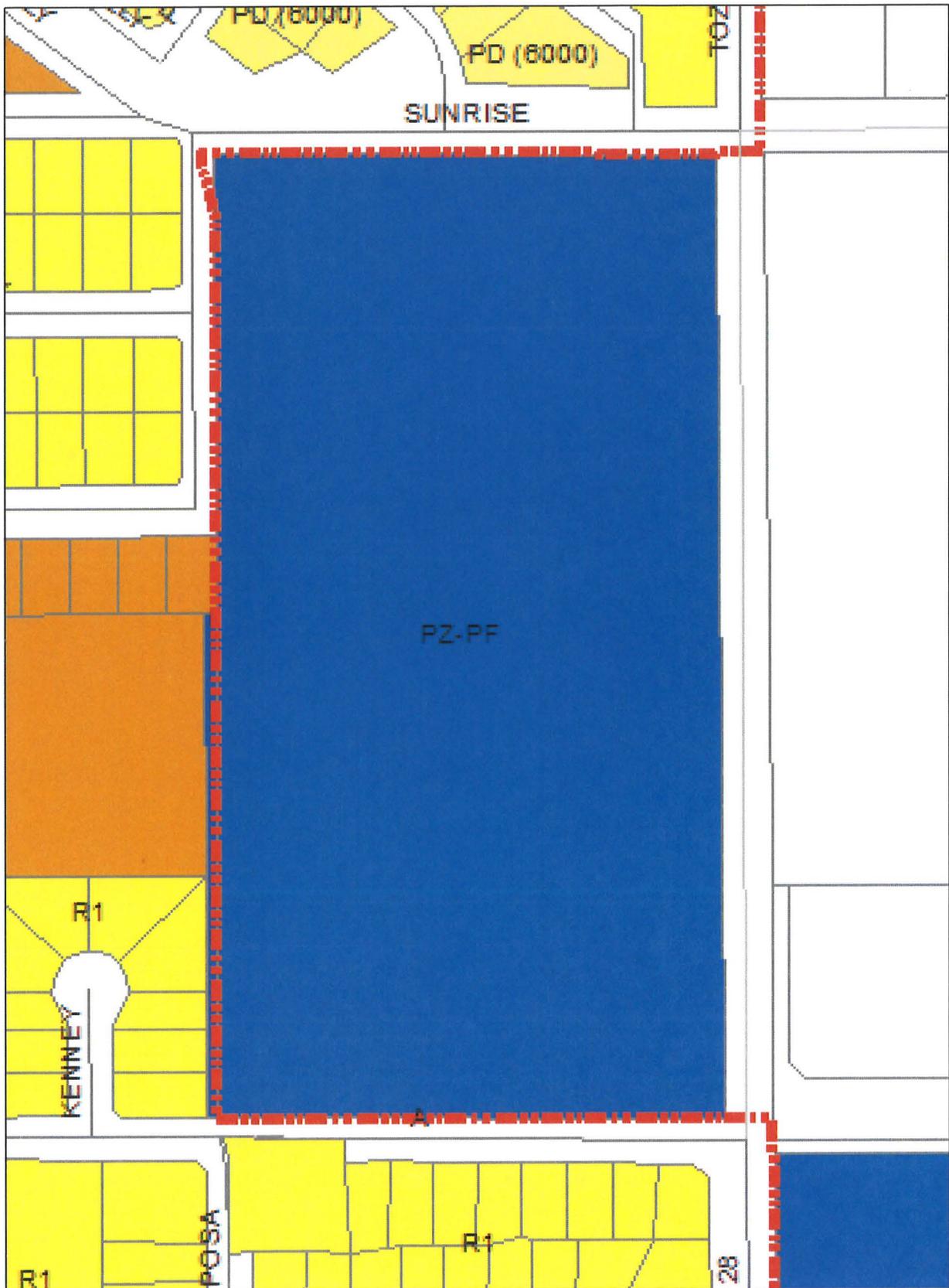
  
\_\_\_\_\_  
SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
BRENT RICHARDSON, City Attorney

EXHIBIT A



**ORDINANCE NO. 934 C.S.**

**AN ORDINANCE AMENDING SUBSECTION B OF SECTION 3-5.08 OF CHAPTER 5 OF TITLE III OF THE MADERA MUNICIPAL CODE IN COMPLIANCE WITH CONDUCTING SPEED SURVEYS ON CITY STREETS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:**

SECTION 1. Subsection (B) of Section 3-5.08 of Chapter 5 of Title III of the Madera Municipal Code is hereby deleted in its entirety and replaced as follows:

(B) Section 16. It is determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon the following streets is less than is necessary for the safe operation of vehicles thereon by reason of the designation and sign-posting of such streets as through highways and/or by reason of widely-spaced intersections, and it is declared that the prima facie limit shall be as set forth in this section on those streets, or parts of streets, designated in this section when signs are erected giving notice thereof:

Item No.	LOCATION	Declared Prima Facie Speed Limit (MPH)
1	Adell Street from Country Club to "D" Street	40
2	Almond Avenue from Pine Street to Granada Drive	45
3	Almond Avenue from Golden State Hwy to Madera Avenue	40
4	Almond Avenue from Madera Avenue to Stadium Road	40
5	Cleveland Avenue from Gateway Drive to Tulare Street	40
6	Cleveland Avenue from Granada Drive to Schnoor Avenue	40
7	Cleveland Avenue from Granada Drive to W. City Limits	45
8	Cleveland Avenue from Schnoor Avenue to Freeway 99	40
9	Cleveland Avenue from Tulare Street to Tozer Road	40
10	Clinton Avenue from Lilly Street to Tozer Road	35
11	Country Club Drive from Cleveland Avenue to Clark Street	40
12	D Street from Central Avenue to Yosemite Avenue	35
13	D Street from Cleveland Avenue to Adell Street	40
14	D Street from Ninth Street to Olive Avenue	35
15	Ellis Street from Lake Street to Chapin Avenue	40
16	Fourth Street from I Street to Pine Street	35
17	Fourth Street from D Street to Lake Street	35
18	Gateway Drive from Cleveland Avenue to Avenue 16	50
19	Gateway Drive from Fresno River to Cleveland Avenue	40
20	Gateway Drive from Ninth Avenue to Olive Avenue	35
21	Granada Drive from Cleveland Avenue to Fresno River	45
22	Granada Drive from Howard Road to Sunset Avenue	40
23	Granada Drive from Howard Road to South City Limits	50
24	Granada Drive from Sunset Avenue to Riverview Drive	35
25	Howard Road from Autumn Road to Pine Street	40
26	I Street from 4th Street to Olive Avenue	35
27	I Street from 4th Street to Central Avenue	35
28	Industrial Avenue from Granada Drive to Schnoor Avenue	40
29	Kennedy Street from Lake Street to Tulare Avenue	35
30	Kennedy Street from Tulare Street to City Limits	40

Item No.	LOCATION	Declared Prima Facie Speed Limit (MPH)
31	Lake Street from Cleveland Ave. to Ellis Street	40
32	Lake Street from Clinton Avenue to Sunrise Avenue	35
33	Pecan Avenue from Raymond-Thomas Road to Golden State Blvd.	40
34	Pecan Avenue from Madera Avenue to Pine Street	45
35	Pecan Avenue from Schnoor Avenue to Pine Street	45
36	Pine Street from Howard Road to Pecan Street	45
37	Pine Street from Howard Road to Sunset Avenue	30
38	Schnoor Avenue from Dutra Way to Cleveland Avenue	35
39	Schnoor Avenue from Kennedy Street to Cleveland Avenue	40
40	Sherwood Way from Country Club Drive to Sonora Street	40
41	Sherwood Way from Sonora Street to Lake Street	35
42	Storey Road from Yosemite Avenue to City Limits	50
43	Sunrise Avenue from B Street to Lilly Street	40
44	Sunset Avenue from Fourth Street to Granada Drive	40
45	Sunset Avenue from Granada Drive City Limits	45
46	Tozer Road from Avenue 15 to A Street	50
47	Tozer Road from Yosemite Avenue to Avenue 15	45
48	Tozer Road from Olive Avenue to Knox Street	45
49	Vineyard Avenue from Clinton Avenue to Yosemite Avenue	35
50	Westberry Blvd. from Howard Road to Sunset Avenue	45
51	Westberry Blvd. from Sunset Avenue to Riverview Drive	40
52	Yosemite Avenue from Gateway Drive to Olive Avenue	40

Section 2. If any section, subsection, clause or phase of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional or otherwise invalid.

Section 3. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage or when appropriate signs giving notice thereof are erected upon street and shall not thereafter be revised except upon the basis of an engineering and traffic survey, whichever occurs later.

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The foregoing Ordinance No. 934 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 18<sup>th</sup> day of May, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 1<sup>st</sup> day of June, 2016 by the following vote:

- AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver.
- NOES: None.
- ABSTENTIONS: None.
- ABSENT: None.

APPROVED:

  
 \_\_\_\_\_  
 ROBERT L. POYTHRESS, Mayor

ATTEST:

  
 \_\_\_\_\_  
 SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:

  
 \_\_\_\_\_  
 BRENT RICHARDSON, City Attorney

ORDINANCE NO. 935 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MADERA, CALIFORNIA ENACTING A TRANSACTIONS AND USE TAX  
TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION,  
UPON ADOPTION BY THE VOTERS

The City Council of the City of Madera does hereby ordain as follows:

**SECTION 1.** Chapter 8 of Title VIII is hereby added to the Madera Municipal Code as follows:

**§8-8.01 TITLE.** This Ordinance shall be known as the City of Madera Transactions and Use Tax Ordinance. The City of Madera will hereinafter be called City. This Ordinance shall be applicable in the incorporated territory of the City.

**§8-8.02 DEFINITIONS.** The following words and phrases shall be defined as set forth herein, except that any term or phrase not defined in this shall have the same meaning as that term or phrase is defined in the California Revenue and Taxation Code, Division 2, Parts 1.6 and 1.7:

(A) "*City*" means the City of Madera.

(B) "*Operative Date*" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter by vote of the electorate on November 8, 2016.

(C) "*State*" means the State of California.

**§8-8.03 PURPOSE.** This Ordinance is adopted to achieve the following, among other purposes, and it shall be interpreted liberally in order to accomplish all of its lawful purposes:

(A) To impose a retail transactions and use tax to be applied throughout the entire territory of the City to the fullest extent permitted by law and in accordance with the provisions of Part 1.6 (commencing with section 7251) of Division 2 of the Revenue and Taxation Code and section 7285.9 of Part 1.7 of Division 2, which authorizes the City to adopt this Ordinance if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

- (B) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- (C) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.
- (D) To adopt a retail transactions and use tax chapter that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes and, at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance.
- (E) To provide transactions and use tax revenue to the City to be used for general purposes.

**§8-8.04 CONTRACT WITH THE STATE.** Prior to the Operative Date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this chapter; provided, that if the City shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

**§8-8.05 TRANSACTIONS TAX RATE.** For the privilege of selling tangible personal property at retail, a general transactions tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 0.5% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail within the territory of the City on and after the Operative Date of this Ordinance.

**§8-8.06 PLACE OF SALE.** For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

**§8-8.07 USE TAX RATE.** An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the Operative Date of this chapter for storage, use or other consumption in the territory of the City at the rate of 0.5% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

**§8-8.08 ADOPTION OF PROVISIONS OF STATE LAW.** Except as otherwise provided in this Ordinance, and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted, incorporated, and made a part of this chapter as though fully set forth herein.

**§8-8.09 LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES.** In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

(A) Wherever the State is named or referred to as the taxing agency, the name of the City shall be substituted. However, this substitution shall not be made when:

- (1) The word "State" is used as a part of the title of the State Controller, State Treasurer, Victim Compensation and Government Claims Board, State Board of Equalization, State Treasury, or the Constitution of the State of California;
- (2) The result of the substitution would require action to be taken by or against the City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.
- (3) In those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
  - (a) Provide an exemption from the tax in this chapter with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from the tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; or
  - (b) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the same provision of that code.

(c) In sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

(B) The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in section 6203 and in the definition of that phrase in section 6203.

**§8-8.10 PERMIT NOT REQUIRED.** If a seller's permit has been issued to a retailer under section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

**§8-8.11 EXEMPTIONS AND EXCLUSIONS.**

(A) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

(B) There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government;

(2) Sales of property to be used outside the City, which is shipped to a point outside the City pursuant to the contract of sale by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

(a) With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

- (b) With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
  - (3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter.
  - (4) A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date of this chapter.
  - (5) For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- (C) There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this City of tangible personal property:
- (1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance;
  - (2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California;
  - (3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter;
  - (4) If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this chapter.

- (5) For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- (6) Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
- (7) "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.
- (D) Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for, a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to such person of the property the storage, use or other consumption of which is subject to the use tax.

**§8-8.12 AMENDMENTS.** All amendments subsequent to the Effective Date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become adopted and part of this chapter; provided, however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. The City Council or the City's voters may amend this chapter to comply with applicable law or as may be otherwise necessary to further the chapter's stated purposes. However, as required by Article XIII C of the California Constitution, no amendment to this chapter may increase the rates of the taxes authorized by this chapter unless such amendment is submitted to and approved by the voters.

**§8-8.13 PROHIBITION ON ENJOINING COLLECTION.** No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected under this chapter.

SECTION 2. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the chapter or the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. Effective Date.

This Ordinance relates to the levying and collecting of City transactions and use taxes and shall take effect immediately. However, no tax imposed by this chapter shall be effective unless that tax has been approved by the voters of the City as required by section 2(b) of Article XIII C of the California Constitution and applicable law.

SECTION 4. Precedence Over Other Provisions in the Municipal Code.

Any provision of the Madera Municipal Code or appendices thereto inconsistent with the provisions of this chapter, to the extent of such inconsistency and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this chapter.

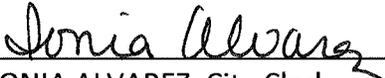
The foregoing Ordinance No. 935 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 3<sup>rd</sup> day of August, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 17<sup>th</sup> day of August, 2016 by the following vote:

- AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver, Foley Gallegos.
- NOES: None.
- ABSTENTIONS: None.
- ABSENT: None.

APPROVED:

  
 \_\_\_\_\_  
 ROBERT L. POYTHRESS, Mayor

ATTEST:

  
 \_\_\_\_\_  
 SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:

  
 \_\_\_\_\_  
 BRENT RICHARDSON, City Attorney

**ORDINANCE NO. 936 C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING PORTIONS OF CHAPTER 9 OF TITLE I AND CHAPTER 5, OF TITLE V OF THE MADERA MUNICIPAL CODE RELATING TO WATER REGULATIONS**

**WHEREAS**, it is necessary for the City to further refine regulations relating to the City's water system and enforcement of water conservation.

**WHEREAS**, the City has considered the totality of the Municipal ordinance pertaining to water and has determined that certain provisions are needed for the effective implementation and protection of the City's water system.

**THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Subsection (D), of Section 07, of Chapter 9, of Title I of the Madera Municipal Code is hereby amended to read as follows:

(D) *Exceptions.* The notice required under this section may be dispensed with for the following violations: (1) violations that create an imminent danger to the health, safety and/or welfare as determined by the Enforcement Officer, and for which immediate correction is required; (2) non-continuing violations for which it is not practicable or possible to provide prior notice and an opportunity to correct; and (3) repeat or chronic violations where either formal or informal notice of the violation, and previous reasonable opportunities to correct have been provided. Examples of non-continuing violations where notice is not practicable or possible include, but are not limited to, violations relating to the maintaining of dogs at large and vicious dogs, the spillage of hazardous waste, [watering at prohibited times and other water wasting violations,] and the lighting of fires.

Section 3. Subsection (G) of Section 03, of Chapter 5, of Title V, of the Madera Municipal Code is hereby added to read as follows:

[(G) It is unlawful to cause, allow, or permit tampering with any water meter, valves, transmitters, or other meter appurtenances; or to obscure, bury, block access to, or otherwise hide a valve, valve box or water service feature. If, as a result of tampering, the meter or service is damaged, an additional fee for all the cost for staff to remedy the damage or disruption shall be charged and collected in

addition to all other charges and penalties, payment of such charges and penalties shall be required before water is restored.]

Section 4. Section 04, of Chapter 5, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

**~~SERVICE CONNECTION AND DISCONNECTION CHARGES~~**  
**~~(REPEALED).~~** [OPENING AND CLOSING OF VALVES.

Only the City may open or close any valve. It is unlawful to cause, allow, permit, or tamper with any valve or other devices in the City's water system.]

Section 5. Section 08, of Chapter 5, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

**WATER SERVICE CHARGES OUTSIDE CITY.**

Public agencies, industries, and individuals located outside the city shall be charged a monthly water charge to be determined in each individual case by ~~minute order of the Council.~~ ~~For all other connections outside the city limits, the charge shall be double the rates provided for by this chapter for connections within the city.~~ All such connections shall be made only at the pleasure of the Council and shall be subject to discontinuance on 30-day written notice to the water user.

Section 6. Section 10, of Chapter 5, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

Each consumer of water shall keep all connections, faucets, hydrants, pipes, outlets, and plumbing fixtures tight and free from leaking, dripping, or wasting water. [Any property with water service from the City system that has an unidentified discharge of water shall be repaired so as to discontinue the uncontrolled discharge. Costs for identifying the location of the discharge and making repairs or modifications shall be the sole financial responsibility of the property owner.]

Section 7. Subsection (B), of Section 14, of Chapter 5, of Title V of the Madera Municipal Code is hereby amended to read as follows:

(B) [If prior notice is given to the Public Works Department] swimming pools may occasionally be emptied [or a substantial portion drained] for maintenance which cannot be ~~accompanied~~ [accomplished] when full of water. [For the purposes of this section a substantial portion shall be considered anything more than 250 gallons of water.] ~~Frequently e~~[E] emptying [or draining a significant portion] of a pool [more than once] between May 1 and September 30 will be a violation and subject to the same surcharges in effect for other water waste. Pools must be equipped with filtration systems in good working order.

Section 8. Section 15, of Chapter 5, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

**CONSTRUCTION WATER**

Metered and flat rate fees for construction water shall be established by resolution. Water may be taken only from fire hydrants specifically designated by the Department of Public Works. Construction water must be utilized in a prudent manner and not allowed to be wasted. Removal of water from the city system for construction or other purposes without authorization shall be considered a violation of this section and is expressly declared to be a misdemeanor. [No water shall be exported for use on a project outside of the City.]

Section 9. Section 16, of Chapter 5, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

**~~VIOLATION OF CHAPTER; PENALTIES.~~**

~~Any person willfully violating any provisions of this chapter is guilty of a violation [as hereafter provided] and subject to the penalties therefore as provided by law. In addition to the issuance of a citation for violation of this chapter, the following sanctions shall also apply: upon determination of a violation of this chapter, the Department of Public Works shall issue to the user or consumer a notice of violation and direction to correct the condition or to discontinue the prohibited practice. If the consumer fails to comply with the direction of the Department of Public Works and a second notice of violation is issued, a \$50 charge will be added to the next ensuing water bill of the consumer. In the event of a third notice of violation, a \$100 charge shall be added to the following water bill, and after a fourth (and subsequent) notice of violation a \$150 charge shall be added to the water bill and the Director of Public Works may install a water meter at the expense of the water user or consumer on the water service line and thereupon such consumer or user shall pay for the water actually used at the meter rates or water service shall be discontinued. Every person who willfully violates any provision of this chapter, or who verbally abuses, threatens, harasses, or in any manner interferes with city water patrol officers or any city employees investigating or enforcing city water regulations is guilty of a misdemeanor as set forth in § 1-2.01 of Chapter 2 of Title 1 of this code, any reference to infractions referred to therein being expressly declared inapplicable.~~

Section 10. Subsection (A) of Section 01, of Chapter 6, of Title V, of the Madera Municipal Code is hereby amended to read as follows:

(A) The purpose of this chapter is:

(1) To protect the public water supply against actual or potential contamination through cross-connections by isolating sources of contamination that may occur within a water user's premises because of some undiscovered or unauthorized cross-connection on the premises;

(2) To eliminate existing connections between the city water system and other sources of water;

(3) To eliminate cross-connections between the city water system and sources of contamination;

(4) To prevent the making of cross-connections in the future.

[(5) To prevent connections of water between separate properties or water accounts.]

Section 11. Subsection (D) of Section 01, of Chapter 6, of Title V, of the Madera Municipal Code is hereby added to read as follows:

[(D) Unless specifically approved as a condition to a development entitled by the City, it is unlawful to allow, permit, cause, or maintain a water service from one property to be connected to a separate property or to a separately metered water account. Any existing connections between properties shall be the responsibility of the property owners to permanently eliminate such connections.]

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

Section 13. Effective Date. This ordinance shall be effective and of full force and effect at 12:01 a.m. on the 31<sup>st</sup> day after its passage.

\* \* \* \* \*

The foregoing Ordinance No. 936 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 3<sup>rd</sup> day of August, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 17<sup>th</sup> day of August, 2016 by the following vote:

- AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver, Foley Gallegos.
- NOES: None.
- ABSTENTIONS: None.
- ABSENT: None.

APPROVED:

  
ROBERT L. POYTHRESS, Mayor

ATTEST:

  
SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:

  
BRENT RICHARDSON, City Attorney

**ORDINANCE NO. 937 C.S.**

**AN ORDINANCE AMENDING SUBSECTION B OF SECTION 3-5.08 OF CHAPTER 5 OF TITLE III OF THE MADERA MUNICIPAL CODE RELATING TO THE ADJUSTMENT OF SPEED LIMITS IN CERTAIN ZONES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:**

SECTION 1. Subsection (B) of Section 3-5.08 of Chapter 5 of Title III of the Madera Municipal Code is hereby deleted in its entirety and replaced as follows:

[ (B) Section 16. It is determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon the following streets is less than is necessary for the safe operation of vehicles thereon by reason of the designation and sign-posting of such streets as through highways and/or by reason of widely-spaced intersections, and it is declared that the prima facie limit shall be as set forth in this section on those streets, or parts of streets, designated in this section when signs are erected giving notice thereof:

Item No.	LOCATION	Declared Prima Facie Speed Limit (MPH)
1	Adell Street from Country Club to "D" Street	40
2	Almond Ave. from Pine Street to Granada Drive	45
3	Almond Ave. from Golden State Hwy to Madera Ave	40
4	Almond Ave. from Madera Ave. to Stadium Road	40
5	Cleveland Ave. from Gateway Drive to Tulare St	40
6	Cleveland Ave. from Granada Drive to Schnoor Ave.	40
7	Cleveland Ave from Granada Dr. to W. City Limits	45
8	Cleveland Ave. from Schnoor Ave. to Freeway 99	40
9	Cleveland Ave. from Tulare Street to Tozer Road	40
10	Clinton Ave. from Lilly St to Tozer Road	35
11	Country Club Drive from Cleveland Ave. to Clark	40
12	D Street from Central Ave. to Yosemite Ave.	35
13	D Street from Cleveland Ave. to Adell Street	40
14	D Street from Ninth Street to Olive Avenue	35
15	Ellis Street from Lake Street to Chapin Ave.	40
16	Fourth Street from I Street to Pine Street	35
17	Fourth Street from D Street to Lake Street	35
18	Gateway Drive from Cleveland Ave. to Avenue 16	50
19	Gateway Drive from Fresno River to Cleveland Ave.	40
20	Gateway Drive from Ninth Ave. to Olive Ave.	35
21	Granada Drive from Cleveland Ave. to Fresno River	45
22	Granada Drive from Howard Road to Sunset Ave.	35
23	Granada Drive from Howard Rd. to Industrial Ave.	40
24	Granada Drive from Industrial Ave. to South City Limits	45
25	Granada Drive from Sunset Ave. to Riverview Drive	35
26	Howard Road from Autumn Road to Pine Street	35
27	I Street from 4th Street to Olive Avenue	35
28	I Street from 4th Street to Central Avenue	35
29	Industrial Ave. from Granada Dr. to Schnoor Ave.	40

Item No.	LOCATION	Declared Prima Facie Speed Limit (MPH)
30	Kennedy Street from Lake Street to Tulare Ave.	35
31	Kennedy Street from Tulare Street to City Limits	40
32	Lake Street from Cleveland Ave. to Ellis Street	40
33	Lake Street from Clinton Ave. to Sunrise Ave.	35
34	Pecan Ave. from Raymond Thomas to Golden State Blvd.	40
35	Pecan Ave. from Madera Ave. to Pine Street	45
36	Pecan Ave. from Schnoor Ave. to Pine Street	45
37	Pine Street from Howard Road to Pecan Street	45
38	Pine Street from Howard Road to Sunset Avenue	30
39	Schnoor Ave. from Dutra Way to Cleveland Ave.	35
40	Schnoor Ave. from Kennedy Street to Cleveland Ave.	40
41	Sherwood Way from Country Club Drive to Sonora Street	40
42	Sherwood Way from Sonora Street to Lake Street	35
43	Storey Road from Yosemite Ave. to City Limits	45
44	Sunrise Ave. from B Street to Lilly Street	40
45	Sunset Ave. from Fourth Street to Granada Drive	35
46	Sunset Ave. from Granada Drive to City Limits	45
47	Tozer Street from Avenue 15 to A Street	50
48	Tozer Street from Yosemite Ave. to Avenue 15	45
49	Tozer Street from Olive Ave. to Knox Street	45
50	Vineyard Ave. from Clinton Ave. to Yosemite Ave.	35
51	Westberry Blvd. from Howard Road to Sunset Avenue	45
52	Yosemite Ave. from Gateway Drive to Olive Ave.	40

]

Section 2. If any section, subsection, clause or phase of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional or otherwise invalid.

Section 3. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage or when appropriate signs giving notice thereof are erected upon street and shall not thereafter be revised except upon the basis of an engineering and traffic survey, whichever occurs later.

.....

The foregoing Ordinance No. 937 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 21<sup>st</sup> day of September, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 5<sup>th</sup> day of October, 2016 by the following vote:

AYES: Mayor Poythress, Council Members Medellin, Holley, Oliver, Foley Gallegos.

NOES: None.

ABSTENTIONS: None.

ABSENT: Council Members Rigby, Robinson.

APPROVED:

  
ROBERT L. POYTHRESS, Mayor

ATTEST:

  
SONIA ALVAREZ, City Clerk

APPROVED AS TO LEGAL FORM:

  
BRENT RICHARDSON, City Attorney

