



1 ordinance; and

2 **WHEREAS**, the City Council of the City of Colton has an obligation to take actions that  
3 preserve the health, safety, and welfare of its residents, businesses, and the general public;

4  
5 **WHEREAS**, the City Council of the City of Colton has determined that revisions to its  
6 existing vacant and abandoned property ordinance are necessary:

7 1. To prevent residential neighborhoods and commercial and industrial areas from  
8 becoming blighted;

9 2. To ensure adequate maintenance and/or security of commercial, industrial and  
10 residential properties;

11 3. To protect citizens from health and safety hazards; and

12 4. To promote the economic stability of the City by maintaining property values.

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14 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON,**  
15 **CALIFORNIA DOES ORDAIN AS FOLLOWS:**

16  
17 **SECTION 1.** In order to protect the public the public peace, health and safety, the City  
18 Council of the City of Colton finds as follows:

19 A. The Recitals stated above are true and correct and are incorporated herein by  
20 reference.

21 B. Based upon the Recitals, the City Council finds it necessary to amend and restate  
22 portions of the Colton Municipal Code (“CMC”) to adopt measures to preserve the health, safety  
23 and welfare of the community.

24 C. All legal prerequisites to the adoption of this Ordinance have occurred.

25  
26 **SECTION 2.** Portions of Chapter 8.05 of the Colton Municipal Code are hereby amended  
27 to read as follows:

28 A. The title of the chapter is amended to read as follows:

1  
2 **“Chapter 8.05 - ABANDONED AND DISTRESSED RESIDENTIAL PROPERTY”**

3 B. Section 8.05.010 of the Colton Municipal Code is amended to read as follows:

4 **“8.05.010 - Purpose.**

5 The purpose of this municipal code chapter is to establish uniform and reasonable  
6 regulations to prevent the detrimental effects associated with abandoned and distressed residential  
7 properties. To that end, this section establishes an abandoned and distressed residential property  
8 registration program that requires adequate maintenance and security of abandoned residential  
9 properties.”

10 C. The definition of “abandoned property” contained in section 8.050.020 of the Colton  
11 Municipal Code is amended to read as follows:

12 "Abandoned Property" means a residentially-used real property that is vacant and either: (a) the  
13 subject of a current Notice of Default and/or Notice of Trustee's Sale; (b) the subject of a pending  
14 tax Assessors lien Sale; (c) the subject of a Foreclosure Sale where the title was retained by or  
15 transferred to the Beneficiary of a Deed of Trust involved in the Foreclosure; (d) has been  
16 transferred under a Deed in Lieu of Foreclosure/Sale; or (e) the Property has been surrendered or  
17 deserted in contemplation or threat of Foreclosure.

18 D. The definition of “property” contained in section 8.050.020 of the Colton Municipal  
19 Code is amended to read as follows:

20 "Property" means any unimproved or improved real property, or portion thereof, situated in  
21 the incorporated territory of the City of Colton, designed and permitted to be used for dwelling or  
22 residential purposes and includes the buildings or structures located on the property.”

23  
24 **SECTION 3.** Chapter 8.16 is hereby added to the Colton Municipal Code to read as follows:

25  
26 **“Chapter 8.16 – REGISTRATION AND MAINTENANCE OF VACANT AND**  
27 **ABANDONED COMMERCIAL AND INDUSTRIAL PROPERTY**

28 **Sections:**

- 1    **8.16.010 – Purpose**
- 2    **8.16.020 – Definitions**
- 3    **8.16.030 – Property Owner Responsibilities**
- 4    **8.16.040 – Bonding and Fencing Requirements for Vacant Commercial or**
- 5            **Industrial Buildings**
- 6    **8.16.050 – Registration Requirements for Vacant Property**
- 7    **8.16.060 – Registration Fees**
- 8    **8.16.070 – Monitoring Program & Purpose**
- 9    **8.16.080 – Monitoring Program Procedures**
- 10   **8.16.090 – Local Property Management Requirement**
- 11   **8.16.100 – Enforcement**
- 12   **8.16.110 – Joint and Several Liability**

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**Section 8.16.010 – Purpose.**

Vacant buildings are a major cause and source of blight in both residential and nonresidential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings (whether or not those buildings are boarded), substandard, or unkempt buildings, and long-term vacancies discourage economic development and retard appreciation of property values. Vacant buildings are potential fire hazards and can jeopardize the ability of owners of neighboring property from securing or maintaining affordable fire insurance. It is the responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. One vacant building which is not actively and well maintained and managed can be the core and cause of spreading blight. It is the purpose and intent of the city council, through the adoption of this chapter, to define the responsibilities of owners of, and to establish registration and monitoring programs for, vacant commercial, and/or industrial buildings and properties.

1           **Section 8.16.020 – Definitions.**

2           In construing the provisions of this chapter, the following definitions shall apply:

3           “Agreement” means any written instrument that transfers or conveys title to real property  
4 from one owner to another after a sale, trade, transfer or exchange.

5           “Beneficiary” means a lender participating in a real property transaction that holds a secured  
6 interest in the real property in question identified in a deed of trust.

7           “Boarded building” means a vacant building or portion of a vacant building whose doors  
8 and windows have been covered with plywood or other material for the purpose of preventing entry  
9 into the vacant building by persons or animals.

10          “Building” means any structure, including, but not limited to, any commercial, industrial,  
11 or assembly structure, approved for occupancy on either a lot of record or within a single project  
12 approved by the city pursuant to the city’s Development Code or applicable specific plan.

13          “Buyer” means any person, partnership, association, corporation, fiduciary or other legal  
14 entity that agrees to transfer anything of value in consideration for real property via an  
15 “Agreement.”

16          “Chief building official” means manager of the city building division for the city or the  
17 designee of the chief building official.

18          “Days” means calendar days.

19          “Deed in lieu of foreclosure” means a recorded instrument that transfers ownership of real  
20 property between parties to a particular deed of trust as follows: from the trustor, i.e., borrower, to  
21 the trustee upon consent of the beneficiary, i.e., lender.

22          “Deed of trust” means an instrument whereby an owner of real property, as trustor, transfers  
23 a secured interest in the real property in question to a third party trustee, said instrument relating to  
24 a loan issued in the context of a real property transaction. This definition applies to any and all  
25 subordinate deeds of trust, i.e., second trust deed, third trust deed, etc.

26          “Default” means the material breach of a legal or contractual duty arising from or relating  
27 to a deed of trust, such as a trustor’s failure to make a payment when due.

28          “Distressed” means any building, structure or real property that is subject to a current notice

1 of default and/or notice of trustee's sale, pending tax assessors lien sale, and/or any real property  
2 conveyed via a foreclosure sale resulting in the acquisition of title by an interested beneficiary of a  
3 deed of trust, and/or any real property conveyed via a deed in lieu of foreclosure or sale, regardless  
4 of vacancy or occupancy by a person with no legal right of occupancy.

5 "Evidence of vacancy" means any real property condition that independently, or in the  
6 context of the totality of circumstances relevant to that real property, would lead a reasonable  
7 enforcement official to believe that a property is vacant or occupied by a person without a legal  
8 right of occupancy. Such real property conditions include, but are not limited to:

9 1. With respect to commercial/industrial: property: overgrown or dead  
10 vegetation in landscape; accumulation of newspapers, circulars, flyers or mail; past due utility  
11 notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window  
12 coverings such as curtains, blinds or shutters; the absence of furnishings or equipment items  
13 consistent with commercial/industrial use; abandoned and/or damaged signs and other advertising  
14 structures; graffiti; severely cracked, buckled or damaged asphalt or concrete parking areas; and/or  
15 statements by neighbors, passersby, delivery agents, government employees that the property is  
16 vacant.

17 "Foreclosure" means the process by which real property subject to a deed of trust is sold to  
18 satisfy the debt of a defaulting trustor (i.e., borrower).

19 "Hearing officer" means an individual or board as designated by the city manager to conduct  
20 hearings, including appeals hearings, and make decisions as provided in this code.

21 "Local" means within forty (40) driving miles of the building, structure or real property in  
22 question.

23 "Notice of default" means a recorded instrument that reflects and provides notice that a  
24 default has taken place with respect to a deed of trust, and that a beneficiary intends to proceed with  
25 a trustee's sale.

26 "Out of area" means in excess of forty (40) road or driving miles of the subject property.

27 "Owner" means any person, partnership, association, corporation, fiduciary or other legal  
28 entity having a legal or equitable title or any interest in real property.

1           “Owner of record” means the person holding recorded title to the real property in question  
2 at any point in time when official records are produced by the San Bernardino County recorder’s  
3 office.

4           “Property” means any unimproved or improved real property or portion thereof, situated in  
5 the city and includes the buildings or structures located on the property regardless of condition.

6           “Trustee” means any person, partnership, association, corporation, fiduciary or other legal  
7 entity holding a deed of trust securing an interest in real property.

8           “Trustor” means any owner/borrower identified in a deed of trust, who transfers an interest  
9 in real property to a trustee as security for payment of a debt by that owner/borrower.

10          “Vacant building” means a building where at least thirty-five (35) percent of the total floor  
11 area within the building is not occupied.

12          “Vacant shopping center/industrial complex” means a shopping center or industrial  
13 complex on a single property containing one or more buildings where fifty (50) percent of the gross  
14 leasable area is not occupied.

15           **Section 8.16.030 – Property Owner Responsibilities.**

16          (a) No person, firm, partnership, corporation or other entity shall allow a commercial  
17 or industrial building designed for human use or occupancy to stand vacant for more than forty-  
18 five (45) days, unless the owner establishes by substantial evidence to the reasonable satisfaction  
19 of the chief building official that one of the following applies:

20               (1) The building is the subject of an active building permit for repair or  
21 rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation;

22               (2) The building meets all applicable codes, is actively maintained in accordance  
23 with all city ordinances, and is ready for occupancy, and is actively being offered for sale, lease, or  
24 rent;

25               (3) The building does not contribute to and is not likely to contribute to blight  
26 because the owner is actively maintaining and monitoring the building so that it does not contribute  
27 to blight. Active maintenance and monitoring shall include:

28                       (A) Maintenance of landscaping and plant materials in good condition,

1 (B) Maintenance of the exterior of the building, including, but not limited  
2 to, paint and finishes, in good condition,

3 (C) Regular removal of all exterior trash, debris and graffiti,

4 (D) Maintenance of the building in continuing compliance with all  
5 applicable codes and regulations,

6 (E) Prevention of criminal activity on the premises, including but not  
7 limited to, use and sale of controlled substances, prostitution and criminal street gang activity,

8 (F) Windows screened with opaque material that is compatible with the  
9 building that prevents interior space of the building from being visible from public rights of way or  
10 public property,

11 (G) Securing the property in a manner so as not to be accessible to  
12 unauthorized persons, including, but not limited to, the replacement of broken windows and the  
13 closing and locking of windows, doors (walk-through, sliding and garage), gates and any other  
14 opening that may allow access to the interior of the property.

15 (b) The owner of any boarded building, whether boarded by voluntary action of the  
16 owner or as a result of enforcement activity by the city, shall cause the boarded building to be  
17 rehabilitated for occupancy within ninety (90) days after the building is boarded and shall comply  
18 with the provisions of subsection (a) of this section.

19 (c) It is declared a public nuisance for any person, partnership, association, corporation,  
20 fiduciary, or other legal entity that owns, leases, occupies, controls or manages any building or  
21 property subject to this chapter to cause, permit, or maintain such building or property in violation  
22 of subsections (a) or (b) of this section.

23 (d) Upon the expiration of fifty-five (55) days after a premises becomes a vacant  
24 building as defined herein, the owner of a vacant commercial or industrial building shall cause said  
25 building to be registered as a vacant building pursuant to the provisions of section 8.16.050 of this  
26 chapter and shall pay the registration fee required per section 8.16.060 of this chapter. Further, the  
27 owner of said vacant building shall comply with the provisions of sections 8.16.070, 8.16.080, and  
28 8.16.090 of this chapter relating to local property management requirements and monitoring.

1           **Section 8.16.040 – Bonding and Fencing Requirements for Vacant Commercial or**  
2 **Industrial Buildings.**

3           (a)     Whenever a vacant commercial or industrial building remains vacant for a period of  
4 ninety (90) days or more, in addition to the other requirements of this chapter the owner, beneficiary  
5 or trustee, as the case may be, shall post with the city a bond or similar security in an amount equal  
6 to three (3) months estimated costs of blight prevention activities, as estimated by the chief building  
7 official.

8           (b)     Whenever a vacant commercial or industrial building remains vacant for a period of  
9 ninety (90) days or more, in addition to the other requirements of this chapter, the owner,  
10 beneficiary or trustee, as the case may be, shall cause to be installed a minimum six foot (6') high  
11 chain link fence adjacent to the property boundaries, or other alternative fencing acceptable to the  
12 development services director that is adequate to protect the public safety and welfare, unless the  
13 director determines that the installation of such fencing will be detrimental to the public safety and  
14 welfare. Any fencing required under this section may additionally require screening if the director  
15 finds it necessary in order to protect the safety, streetscape and overall appearance of the site. The  
16 director may promulgate additional fencing standards for vacant properties consistent with this  
17 section.

18           **Section 8.16.050 – Registration Requirements for Vacant Property.**

19           (a)     Each beneficiary and trustee, who holds a deed of trust on a property located within  
20 the City, shall perform an inspection of the property in question prior to recording a notice of default  
21 or similar instrument with the San Bernardino County clerk-recorder's office. If the property is  
22 found to be vacant or shows evidence of vacancy, as defined by the chapter, it is hereby deemed to  
23 be vacant.

24           (b)     Within ten (10) days of identification of any vacant property, the beneficiary and  
25 trustee must register the property with the chief building official on specified forms.

26           (c)     If the property is occupied but distressed, the trustee and beneficiary or a designee  
27 shall also inspect the property on a monthly basis until:

28                   (1)     The trustor or another party remedies the default; or

1           (2)     The property is found to be vacant, or shows evidence of vacancy, and is  
2 rendered subject to subsection (b).

3           (d)     The registration pursuant to subsection (b) shall contain the identity of the  
4 beneficiary and trustee, the direct mailing address of the beneficiary and trustee and, in the case of  
5 a corporate or out of area beneficiary or trustee, the local property management company, if any,  
6 responsible for the security, maintenance and marketing of the property in question.

7           (e)     The registration pursuant to subsection (b) shall be renewed annually.

8           (f)     An annual registration fee, adopted in conformance with section 8.16.060, shall  
9 accompany the submission of each registration form. The fee and registration shall be valid for one  
10 (1) year from the date of registration. Registration fees will not be prorated.

11          (g)     This section shall also apply to properties that have been the subject of a foreclosure  
12 sale wherein title has been transferred to the beneficiary of a deed of trust involved in the  
13 foreclosure, and to any properties transferred under a deed in lieu of foreclosure or sale.

14          (h)     Properties subject to this chapter shall remain subject to the annual registration  
15 requirement, security and maintenance standards of this chapter as long as they remain vacant.

16          (i)     Any person, partnership, association, corporation, fiduciary or other legal entity that  
17 has registered a property under this chapter must make a written report to the chief building official  
18 of any change of information contained in the registration within ten (10) days of the change.

19          (j)     The duties/obligations specified in this section shall be joint and several among and  
20 between all trustees and beneficiaries and their respective agents.

21           **Section 8.16.060 – Registration Fees.**

22           The fee for registering and reregistering a vacant property shall be set, from time to time,  
23 by resolution of the city council. The amount of the fee charges shall not exceed the reasonable  
24 estimated cost of administering the provisions of this chapter.

25           **Section 8.16.070 – Monitoring Program & Purpose.**

26          (a)     Vacant buildings are a major cause and source of blight in residential and  
27 nonresidential neighborhoods, especially when the owner of the building fails to maintain and  
28 manage the building to ensure that it does not become a liability to the neighborhood. Vacant

1 buildings often attract transients and criminals, including drug users. Use of vacant buildings by  
2 transients and criminals, who may employ primitive cooking or heating methods, creates a risk of  
3 fire for the vacant buildings and adjacent properties. Vacant properties are often used as dumping  
4 grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings which  
5 are boarded up to prevent entry by transients and other long-term vacancies discourage economic  
6 development and retard appreciation of property values.

7 (b) Because of the potential economic and public health, welfare and safety problems  
8 caused by vacant buildings, the city needs to monitor vacant buildings, so that they do not become  
9 attractive nuisances, are not used by trespassers, are properly maintained both inside and out, and  
10 do not become a blighting influence in the neighborhood. City departments involved in such  
11 monitoring include the police department, development services department, and the public works  
12 department. There is a substantial cost to the city for monitoring vacant buildings (whether or not  
13 those buildings are boarded up), which should be borne by the owners of the vacant buildings. The  
14 fees for a monitoring program pursuant to the provisions of this chapter shall be separate from and  
15 in addition to any registration fees or administrative penalties required or otherwise assessed  
16 pursuant to the provisions of this chapter.

17 **Section 8.16.080 – Monitoring Program Procedures.**

18 (a) Authority. The chief building official shall be responsible for administering a  
19 program for identifying and monitoring the maintenance of all vacant buildings in the city. The  
20 program shall be documented and regularly updated. The program shall be available for public  
21 review.

22 (b) Purposes. The purposes of the monitoring program shall be:

- 23 (1) To identify buildings that become vacant;
- 24 (2) To order vacant buildings that are open and accessible to be secured against  
25 unlawful entry pursuant to City codes, including the building code, or other applicable law;
- 26 (3) To initiate proceedings against the owner of any vacant building found to be  
27 substandard as defined in this chapter or a nuisance under any other provision of this code;
- 28 (4) To maintain surveillance over vacant buildings so that timely enforcement

1 proceedings are commenced in the event a building becomes substandard or a nuisance; and

2 (5) To establish and enforce rules and regulations for the implementation and  
3 compliance with the provisions of this Chapter.

4 (c) Fee Imposed. There is imposed upon every owner of a vacant building monitored  
5 pursuant to this chapter, an annual vacant building monitoring fee in an initial amount as the city  
6 council may establish by resolution, provided that the fee shall not exceed the estimated reasonable  
7 cost of monitoring the vacant building. The fee shall be payable as to any building, residential or  
8 nonresidential, which:

9 (1) Is boarded up by voluntary action of the owner or as the result of  
10 enforcement activities by the city; or

11 (2) Is vacant for more than ninety (90) days for any reason.

12 (d) Fee Deferral. The vacant building monitoring fee may be deferred upon a showing  
13 by the owner that:

14 (1) The owner has obtained a building permit and is progressing diligently to  
15 repair the premises for occupancy; and

16 (2) The building meets all applicable codes and is actively being offered for sale,  
17 lease, or rent; and

18 (3) Imposition of the fee is paid prior to final inspection and/or close of escrow  
19 of a pending sale.

20 (e) Procedure. The vacant building monitoring fee shall be billed to the owner of the  
21 property and mailed to the owner's address as set forth on the last equalized assessment roll of the  
22 San Bernardino County assessor. Any owner billed may apply for a waiver on the grounds set forth  
23 in subsection d of this section by submitting a written statement of the grounds for the waiver, and  
24 the owner's daytime telephone number, to the chief building official within thirty (30) days after  
25 the billing is mailed to the owner. The owner shall provide substantial evidence in support of the  
26 owner's statement of the grounds for the waiver. The chief building official shall review the written  
27 statement and all related evidence and may contact the owner to discuss the application for waiver.  
28 The chief building official shall prepare a written decision which shall be mailed to the owner and

1 shall set forth the reasons for the decision.

2 (f) Any owner aggrieved by the decision of the chief building official relating to an  
3 application for waiver may appeal the chief building official's decision to the city manager by filing  
4 with the city clerk a written notice of appeal within ten (10) days of the decision. The city manager  
5 shall set a time and place for a hearing of such appeal, and notice of such hearing shall be mailed,  
6 postage prepaid, to the owner at his or her last known address at least ten (10) days prior to the date  
7 set for the hearing. The decision and order of the city manager on such appeal shall be final and  
8 conclusive.

9 (g) If the fee is not paid within sixty (60) days after billing, or within sixty (60) days  
10 after the decision of the chief building official or the city manager, the city manager may thereupon  
11 order that the fee be specially assessed against the property involved. If the city manager orders  
12 that the fee be specially assessed against the property, it shall confirm the assessment and thereafter  
13 said assessment may be collected at the same time and in the same manner as ordinary real property  
14 taxes are collected and shall be subject to the same penalties and the same procedure and sale in  
15 case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy,  
16 collection, and enforcement of real property taxes are applicable to the special assessment.

17 (h) The city manager may also cause a notice of lien to be recorded. The notice shall, at  
18 a minimum, identify the record owner or possessor of the property, set forth the last known address  
19 of the record owner or possessor, a description of the real property subject to the lien, and the  
20 amount of the fee.

21 **Section 8.16.090 – Local Property Management Requirement.**

22 (a) If a property is determined to be vacant, and the property is owned by a corporation  
23 and/or out of area beneficiary, trustee, or owner, a local property management company shall be  
24 contracted to perform weekly inspections to verify that the requirements of this section, and any  
25 other applicable laws, are being met.

26 (b) The property shall be posted with the name and twenty-four (24) hour contact phone  
27 number of the local property management company. The posting shall be no less than eighteen (18)  
28 inches by twenty-four (24) inches, shall be of a font that is legible from a distance of forty-five (45)

1 feet, and shall contain the following verbiage:

2 "THIS PROPERTY MANAGED BY \_\_\_\_\_," and "TO REPORT  
3 PROBLEMS OR CONCERNS CALL (name and phone number)."

4 (c) The posting shall be placed on the interior of a window facing the street to the front  
5 of the property so it is visible from the street, or secured to the exterior of the building/structure  
6 facing the street of the front of the property so it is visible from the street. If no such area exists,  
7 the posting shall be on a stake of sufficient size to support the posting, in a location that is visible  
8 from the street to the front of the property, and to the extent possible, not readily accessible to  
9 potential vandalism. Exterior posting must be constructed of, and printed with weather resistant  
10 materials.

11 (d) The local property management company shall inspect the property on a weekly  
12 basis to determine if the property is in compliance with the requirements of this chapter. If the  
13 property management company determines the property is not in compliance, it is the company's  
14 responsibility to bring the property into compliance.

15 (e) The duties/obligations specified in this section shall be joint and several among and  
16 between all trustees and beneficiaries and their respective agents.

17 **Section 8.16.100 – Enforcement.**

18 (a) Any violation of this chapter shall constitute a public nuisance.

19 (b) Any person, partnership, association, corporation, fiduciary or other legal entity, that  
20 owns, leases, occupies, controls or manages any property subject to this chapter and that causes,  
21 permits, or maintains a violation of this chapter, shall be guilty of a misdemeanor, and upon  
22 conviction thereof, shall be subject to the penalties provided in Chapters 8.02 and 8.05 of this code.  
23 Violations shall be treated as a strict liability offense, a violation shall be deemed to have occurred  
24 regardless of a violator's intent.

25 (c) If an enforcement official determines a violation of this chapter exists, the  
26 enforcement official may issue an administrative citation for each day a violation exists, containing  
27 fines up to \$1,000.00 per day, per violation, as provided in section 8.05.090 of this code.

28 (d) This section is intended to be cumulative to, and not in place of, other rights and

1 remedies available to the city pursuant to the City of Colton Municipal Code, including any civil,  
2 criminal and/or administrative action.

3 (e) Any and all costs, including attorney's fees, incurred by the City in enforcing this  
4 chapter shall be recoverable, and shall constitute a lien and special assessment against the subject  
5 property, pursuant to the definitions and procedures in chapters 8.02 and 8.12 and as otherwise  
6 provided by this code.

7 **Section 8.16.110 – Joint and Several Liability.**

8 The duties/obligations specified in this chapter shall be joint and several among and  
9 between all trustees and beneficiaries and their respective agents. In addition, local property  
10 management companies retained pursuant to section 8.16.090 shall also be jointly and severally  
11 liable for compliance with this chapter.”

12  
13 **SECTION 4.** Based on the entire record before the City Council, and all written and oral  
14 evidence presented to the City Council, the City Council hereby finds that this ordinance is exempt  
15 from review under the California Environmental Quality Act (“CEQA”), pursuant to Sections  
16 15308 since the activity will not result in a direct or reasonably foreseeable indirect physical change  
17 in the environment) and implements actions for the protection of the environment.

18  
19 **SECTION 5.** If any provision of this Ordinance or the application thereof to any person or  
20 circumstance is held invalid, such invalidity shall not affect other provisions or applications of the  
21 Ordinance which can be given effect without the invalid provision or application, and to this end  
22 the provisions of this ordinance are severable. The City Council hereby declares that it would have  
23 adopted this Ordinance irrespective of the invalidity of any particular portion thereof. By enacting  
24 this Ordinance, the City ordains that nothing herein shall be deemed to conflict with or duplicate  
25 federal or state law, or otherwise or to license any activity that is prohibited thereunder except as  
26 mandated by such laws.

27  
28 **SECTION 6.** The City Clerk shall certify the passage of this Ordinance and shall cause the

1 same to be entered in the book of original ordinances of said City; shall make a minute passage and  
2 adoption thereof in the records of the meeting at which time the same is passed and adopted; and  
3 shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published  
4 as required by law, in a local newspaper of general circulation and which is hereby designated for  
5 that purpose.

6  
7 **SECTION 7.** This Ordinance shall become effective thirty (30) days from and after its  
8 adoption.

9 **PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council on the  
10 6th day of September, 2016.



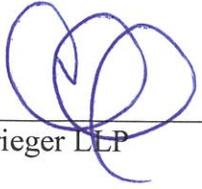
Richard A. DeLaRosa, Mayor

11  
12 ATTEST:



Carolina R. Padilla, City Clerk

13  
14  
15  
16  
17 APPROVED AS TO FORM:



Best Best & Krieger LLP  
City Attorney

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF COLTON )

4 CERTIFICATION

5 I, **CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do hereby  
6 certify under penalty of perjury that the foregoing is a full, true and correct copy of  
7 **ORDINANCE NO. O-16-16**, and was duly passed, approved, and adopted by the City  
8 Council of the City of Colton at its Regular Meeting held on the **6th day of September,**  
9 **2016**, by the following vote to wit:

10  
11 AYES: COUNCILMEMBER Toro, Jorrin, González, Bennett, and  
Mayor DeLaRosa  
12  
13 NOES: COUNCILMEMBER Suchil  
14  
15 ABSTAIN: COUNCILMEMBER None  
16  
17 ABSENT: COUNCILMEMBER Navarro

18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official  
19 seal of the City of Colton, California, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
20

21 \_\_\_\_\_  
22 CAROLINA R. PADILLA  
23 City Clerk  
City of Colton, California

24 (SEAL)  
25  
26  
27  
28