

Editor's note: Ord. No. 85-4, § 2, adopted Mar. 4, 1985, provided for the deletion of § 15-9, barbed-wire fences, thorny hedges, as derived from the 1960 Code, § 7111. Current provisions relative to such subject matter may be found in § 13-319.

Secs. 15-10, 15-11. Reserved.

Editor's note: Section 3 of Ord. No. 93-20, adopted Dec. 20, 1993, repealed §§ 15-10 and 15-11. Formerly, § 15-10 pertained to trimming of trees and derived from § 7112 of the 1960 Code; § 15-11 pertained to cutting public trees and derived from § 7113 of the 1960 Code; § 2 of Ord. No. 75-15, adopted Mar. 4, 1975; and §§ 2 and 3 of Ord. No. 90-13, adopted Sep. 4, 1990.

Sec. 15-12. Merchandise on sidewalks; encroaching structures.

It shall be unlawful to block or obstruct or make unsafe for travel any sidewalks or streets of the city with merchandise for sale, storage, display or advertisement, or refuse and debris, or containers therefor, or to install or maintain any appurtenances to buildings extending over public property unless specifically permitted herein.

(Code 1960, § 7115)

Sec. 15-13. Encroachment permits.

1. *Generally.* Any encroachment of private improvements in, upon, over or under a public right-of-way or other public property without a current, valid encroachment permit as provided for in this chapter shall constitute a public nuisance and shall be subject to summary abatement, pursuant to Section 38773 of the California Government Code, and the expense of such abatement shall be a personal obligation of the owner of the encroaching improvement(s) and of the owner of the property benefitted by the improvement(s), as well as a lien against the affected property.
2. *Encroachment permit defined.* An encroachment permit is authorization to place or extend private improvements in, upon, over, or under a public right-of-way or other public property.
3. *Application.* Application shall be made on forms provided by the public services department. Plans and information reasonably needed to evaluate the application may be required by the public services director or his designee.
4. *Fees.* Fees for the processing of encroachment permits may be established by resolution of the city council.
5. *Authority to grant.* Applications for encroachment permits may be denied, granted, or granted with conditions by the public services director, or his designee, after consultation with affected city departments.
6. *Findings.* Before granting an encroachment permit, the public services director shall make the following findings.
 - a. The encroachment will be consistent with the public convenience and welfare.
 - b. The encroachment will not interfere with pedestrian or vehicular circulation systems.
 - c. The encroachment will not create a traffic hazard.

7. *Conditions.* Conditions or special requirements may be applied by the public services director to ensure that the development authorized by the encroachment permit is compatible and harmonious with existing development in the vicinity and to protect the public health, safety, and general welfare.

8. *Appeals.* Decisions of the public services director may be appealed pursuant to section 2-300 et seq.

9. *Termination.* The authority granted by an encroachment permit shall terminate upon written notice from the City of Costa Mesa that public improvements are to be placed in the right-of-way within which the encroachment exists. The owner of the private improvements shall remove all such private improvements within thirty (30) days following receipt of such notice, or within such longer period as may be determined by the director of public services.

10. *Revocation.* The public services director or his or her designee shall set a hearing before the planning commission for revocation of the encroachment permit and/or pursue other legal remedies as may be deemed appropriate by the city attorney whenever the public services director determines that either:

- a. The permittee has failed to comply with one (1) or more of the conditions attached to the encroachment permit at the time of granting thereof;
- b. Because of changed or unforeseen circumstances the findings necessary for approval of the encroachment permit can no longer be made.

(Ord. No. 92-19, § 3, 10-19-92; Ord. No. 93-17, § 10, 11-1-93)

ARTICLE 1. SHOPPING CART REGULATION*

*Editor's note: Ord. No. 03-6, § 1, adopted June 16, 2003, repealed Article 1, §§ 15-14--15-24, in their entirety. Said ordinance further provided for the inclusion of a new Article 1, §§ 15-14--15-24, to read as herein set out. Former Article 1 pertained to similar subject matter as enacted by Ord. No. 94-16, § 1, adopted Dec. 19, 1994; as amended. See the Code Comparative Table.

Sec. 15-14. Definitions.

Abandoned shopping cart means any cart that is located outside the premises or parking lot of a retail establishment which owns the cart, except a cart that is in the physical possession of a person who has the written consent of the cart's owner.

Cart owner means every person who, in connection with the conduct of a retail establishment owns, rightfully possesses, or makes any cart available to patrons and/or the public. This shall include the owner's agent or authorized representative.

City means the City of Costa Mesa or its designated representatives.

Contractor means an authorized independent contractor approved by the city council for the purpose of effecting the removal of abandoned shopping carts.

Identified cart means a shopping cart that has a permanently affixed sign that identifies,

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