

ORDINANCE NO. 5699

AN ORDINANCE OF THE CITY OF ANAHEIM AMENDING CHAPTER 17.20 OF TITLE 17 OF THE ANAHEIM MUNICIPAL CODE RELATING TO EXCAVATION AND RECOVERY OF NONFUEL MINERALS AND RECLAMATION OF MINED LANDS.

WHEREAS, the Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710, and sections following), as amended from time to time (hereinafter the "Act"), requires every lead agency to adopt ordinances in accordance with state policy which establishes procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations, and further requires that the ordinances be periodically reviewed by the lead agency and revised, as necessary, to ensure continued conformance with state policy (Public Resources Code 2774(a).); and

WHEREAS, the City Council has previously approved and adopted Chapter 17.20 of the Anaheim Municipal Code to promote the orderly utilization of nonfuel minerals and implement the Act; and

WHEREAS, subsection 17.20.040.030, paragraph .0302 requires that the provisions of Chapter 17.20 be reviewed and revised, as necessary, in order to ensure that it is in accordance with the state policy for mined lands reclamation; and

WHEREAS, Chapter 17.20 requires revisions to remain in accordance with state policy; and

WHEREAS, in order to comply with the aforementioned statutes, and in order to correct existing conditions and prevent future conditions that are detrimental to the public health and safety and may result in serious injury, it is reasonably necessary for the City of Anaheim to adopt an ordinance establishing standards for excavation and recovery of nonfuel materials and reclamation of mined lands within the City of Anaheim, including areas of the City of Anaheim governed by development agreements heretofore approved by the City pursuant to Section 65864, et seq., of the Government Code ("development agreements"); and

WHEREAS, the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environmental and to protect the public health and safety; and

WHEREAS, the Planning Department of the City of Anaheim notified parties to development agreements of the proposed

revision of Chapter 17.20 and, where requested, conferred with parties to said development agreements in a good faith effort to address any questions or problems presented. Of all means reasonably known to the City which could feasibly correct or avoid the injurious or detrimental condition, the modifications to Chapter 17.20 are the most reasonable means to protect the health, safety and welfare of the public; and

WHEREAS, the City Council does hereby further find and determine that failure to adopt the provisions of this Chapter and to make said provisions applicable to properties which are subject to existing development agreements would result in a condition injurious or detrimental to the public health and necessary to correct or avoid such injurious or detrimental condition. Consequently, the provisions of this Chapter shall apply to all property located within the City of Anaheim notwithstanding that said property may be the subject of a development agreement which became effective prior to the date of adoption of this Chapter and which development agreement contains any provisions to the contrary.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM DOES ORDAIN AS FOLLOWS:

**SECTION 1.**

That Chapter 17.20 of Title 17 of the Anaheim Municipal Code be, and the same is hereby, amended in its entirety to read as follows:

**"Chapter 17.20**

**EXCAVATION AND RECOVERY OF  
NONFUEL MINERALS AND  
RECLAMATION OF MINED LANDS**

**17.20.010 PURPOSE.**

.010 The City of Anaheim recognizes that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The City also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly. The purpose and intent of this Chapter is to

regulate surface mining operations as authorized by the California Surface Mining and Reclamation Act ("SMARA") of 1975, Public Resources Code Section 2710 et seq., as amended, hereinafter referred to as SMARA, to ensure that:

.0101 The adverse effects, if any, of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands; and

.0102 The production and conservation of minerals will be encouraged while minimizing to the extent feasible hazards to public health and safety and avoiding or minimizing adverse effects on the environment, including but not limited to geologic subsidence, air pollution, water quality degradation, damage to biological resources, flooding, erosion, degradation of scenic quality and noise pollution.

.020 In the event of any conflict or inconsistencies between any provision contained in any other Chapter of this Code and any provision contained in this Chapter, the provision contained in this Chapter shall govern and apply.

#### **17.20.020 DEFINITIONS.**

For purposes of this Chapter, the following words and phrases shall be defined as follows:

"DEPARTMENT OF CONSERVATION" means the Department of Conservation of the State of California Resources Agency.

"IDLE" means to curtail for a period of one (1) year of more surface mining operations by more than ninety percent (90%) of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

"MINERALS" means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including but not limited to coal, peat and bituminous rock, but excluding geothermal resources, natural gas and petroleum. For purposes of this Chapter, minerals shall also include but not be limited to sand, gravel, clay, cinders, diatomaceous earth, shale, limestone, flagstone, decorative stone and rip-rap.

"OPERATOR" means any person or persons who is engaged in surface mining operations or who contracts with others to conduct operations on his or her behalf, except a person who is engaged in surface mining operations as an employee with wages as his or her sole compensation.

"OVERBURDEN" means soil, rock or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations.

"PERSON" means any individual, firm, association, corporation, organization or partnership; or any city, county, district or the state; or any department or agency thereof.

"PLANNING DIRECTOR" means the Planning Director of the City of Anaheim or his or her duly authorized designee.

"RECLAMATION" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a useable condition which is readily adaptable to alternative land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

"SURFACE MINING OPERATIONS" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to:

- (1) In-place distillation or retorting or leaching;
- (2) The production and disposal of mining waste; and
- (3) Prospecting and exploratory activities.

Surface mining operations shall also include the creation of borrow pits, streamed skimming, segregation, stockpiling of mined materials and recovery of same.

#### **17.20.030 INCORPORATION OF SMARA AND STATE REGULATIONS.**

The provisions of the California Surface Mining and Reclamation Act of 1975 (SMARA) and the California Code of Regulations implementing the Act (hereinafter referred to as the state regulations), as either may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than correlative state provisions, this Chapter shall prevail.

**17.20.040 APPLICABILITY.**

.010 Requirement for a Conditional Use Permit. Unless exempted by provisions of this Chapter, a conditional use permit as provided under Chapter 18.03 "Zoning Procedures - Amendments, Conditional Use Permits and Variances" of the Anaheim Municipal Code shall be required for all surface mining operations; and shall be required for the substantial expansion or change of operation of any surface mine for which such expansion or changes have not been previously approved.

.020 Annexation of Nonconforming Uses. The provisions of Section 18.02.058 "Nonconforming Structures and Uses - General" of this Code shall apply to existing nonconforming uses annexed into the City of Anaheim.

.030 Requirement for Reclamation Plan. A reclamation plan shall be required for all surface mining operations in which surface mining is allowed, as well as for those portions of existing surface mining operations conducted after January 1, 1976, unless a reclamation plan was approved by the city or county prior to that date and the person or entity submitting that plan has accepted responsibility for carrying out the plan. Nothing in this Chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted legally and in compliance with all applicable city or county regulations and completed prior to January 1, 1976,

.040 Exemptions. A reclamation plan shall not be required for any of the following activities:

.0401 Excavations of grading conducted for farming or onsite construction or for the purpose of

restoring land following a flood or other natural disaster;

.0402 Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand (1,000) cubic yards in any one (1) location of one (1) acre or less;

.0403 Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose; and

.0404 Such other surface mining operations which the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.

**17.20.050 CONTENTS OF APPLICATIONS FOR CONDITIONAL USE PERMITS FOR SURFACE MINING OPERATIONS AND FOR RECLAMATION PLANS.**

.010 In addition to the petition for a conditional use permit required in Chapter 18.03, all applications for conditional use permits for surface mining operations shall contain as many copies of a reclamation plan application as may be required. For surface mining operations that are legally established nonconforming uses not otherwise required to obtain a conditional use permit by Section 17.20.040 "Applicability" of this Chapter, the reclamation plan application shall include such information concerning the mining operation as is required for processing the reclamation plan.

.020 Applications shall include the necessary environmental review forms and information prescribed by the California Environmental Quality Act ("CEQA") and the City's Environmental Review Guidelines, as either may be amended from time to time.

.030 The Planning Department will review the application package for completeness and shall, within thirty (30) days after receipt, either accept the application as complete for the purpose of initiating permit processing or return the application as incomplete with an explanation of where the application is deficient.

Resubmittal of the revised application shall start a new review time frame.

#### **17.20.060 PROCESSING OF CONDITIONAL USE PERMITS AND RECLAMATION PLANS.**

.010 Within thirty (30) days of acceptance of an application for a conditional use permit for surface mining operations and/or a reclamation plan as complete, the Planning Department shall notify the Director of the Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the one hundred (100) year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one (1) mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that the application has been received.

.020 A conditional use permit for surface mining operations shall be processed in accordance with Chapter 18.03 and shall be subject to the conditions and required showings of Section 18.03.030 "Conditional Use Permits (C.U.P.'s) - General."

.030 The Planning Department shall process the applications(s) through environmental review pursuant to CEQA and the City's Environmental Review Guidelines, as either may be amended from time to time.

.040 Subsequent to the appropriate environmental review, the Planning Department shall prepare a staff report with recommendations for consideration by the Planning Commission.

.050 The Planning Commission shall hold at least one (1) noticed public hearing on the conditional use permit and/or reclamation plan.

.060 Prior to final approval of a reclamation plan, or any amendments to a reclamation plan, and financial assurances (as specified in this Chapter), the Planning Commission shall certify to the Director of the Department of Conservation that the reclamation plan complies with the applicable requirements of the state regulations in effect at the time the reclamation plan is submitted to the Department of Conservation for review, and submit the

reclamation plan, financial assurances, or amendments to the plan to the Department of Conservation for review. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the conditional use permit with the condition that the operator shall not commence the mining operation until financial assurances have been approved by the Department of Conservation and final action has been taken on the reclamation plan.

The Director of the Department of Conservation shall have thirty (30) days from the time he or she is first notified to prepare written comments on the reclamation plan, if the Director so chooses. The Planning Commission shall evaluate written comments received from the Department of Conservation during the thirty (30) day comment period or such further time as may be mutually agreed to by the City and the operator. If necessary, staff will prepare a report describing the disposition of the major issues raised by the Department of Conservation for the Planning Commission's approval. In particular, if the Planning Commission's position is at variance with the recommendations and/or objections raised in the Department of Conservation's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator.

.070 The Planning Commission shall then take final action to approve, conditionally approve, or deny the conditional use permit and/or reclamation plan. The Planning Commission's action shall be final, subject to appeal to the City Council in the time and manner otherwise set forth for conditional use permits pursuant to Chapter 18.03 of this Code. The decision of the City Council shall be deemed final.

.080 If a project has proceeded to review by the City Council, the Council may, at its discretion, assume duties assigned to the Planning Commission under this Chapter or delegate specific related tasks back to the Planning Commission.

.090 The Planning Department shall forward a copy of each approved conditional use permit for mining operations and/or approved reclamation plan to the Director of the Department of Conservation.



.100 Annual Reports. Surface mining operators shall forward an annual status report to the Director of the Department of Conservation and the City of Anaheim Planning Department on a date established by the Department of Conservation upon forms furnished by the State Mining and Geology Board.

#### **17.20.070 PERFORMANCE STANDARDS FOR RECLAMATION PLANS.**

.010 All new or revised reclamation plans shall conform to minimum statewide performance standards required pursuant to SMARA, Sections 2772 and 2773, and Sections 3500-3505 and 3700-3713 of the state regulations, as adopted by the State Mining and Geology Board, including but not limited to wildlife habitat, backfilling, revegetation, drainage, agricultural land reclamation, equipment removal, stream protection, topsoil salvage and waste management.

.020 The City of Anaheim may impose additional performance standards developed either in review of individual projects, as warranted, or through the formulation and adoption of citywide performance standards.

#### **17.20.080 PHASING OF RECLAMATION.**

Reclamation activities shall be phased with respect to the phasing of the mining operation and shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and will be disturbed again in future operations. Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation shall be specifically described in the reclamation plan and shall include: the expected beginning and ending dates for each phase, all anticipated reclamation activities, criteria for measuring completion of specific reclamation activities, and estimated costs as provided in Section 17.20.100 "Financial Assurances for Reclamation Plans" of this Chapter. The Planning Commission shall review and approve a reclamation schedule as part of the reclamation plan.

#### **17.20.090 FINDINGS FOR APPROVAL OF A RECLAMATION PLAN.**

In addition to the findings for approval of conditional use permits specified in Chapter 18.03.030.030 "Required Showings" of this Code, prior to approval of a reclamation plan,

the following findings shall be required based upon the information submitted by the applicant, the evaluation of the City's independent consultant and the evidence submitted at the public hearing:

.010 That the Reclamation Plan complies with the California Surface Mining and Reclamation Act and any other applicable provisions;

.020 That the Reclamation Plan complies with applicable requirements of the State of California regulations as determined by the City;

.030 That the Reclamation Plan and potential use of reclaimed land pursuant to the Plan are consistent with Chapter 17.20 "Excavation and Recovery of Nonfuel Minerals and Reclamation of Mined Lands" of the Anaheim Municipal Code and the City of Anaheim General Plan including the Conservation Element of the General Plan;

.040 That, through the Reclamation Plan, all significant adverse impacts, if any, on lands to be reclaimed as a result of the surface mining operations are mitigated to the extent feasible;

.050 That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with and blends in with the surrounding natural environment, topography and other resources, or that suitable off-site development will compensate for related disturbances to resource values; and

.060 That the Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable to alternative land uses consistent with the City's General Plan including the Conservation Element of the General Plan.

#### **17.20.100 FINANCIAL ASSURANCES FOR RECLAMATION PLANS.**

.010 In order to ensure that reclamation will proceed in accordance with the approved reclamation plan, the City shall require as a condition of approval one (1) or more forms of security which will be released upon satisfactory performance. The applicant may post security in the form of a corporate surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, a certificate of time deposit as part of an approved trust fund, or other method acceptable to the City and the

Department of Conservation as specified in statewide regulations adopted by the State Mining and Geology Board. Financial assurances shall be made payable to the City of Anaheim and the Department of Conservation.

.020 Financial assurances shall be required to ensure compliance with elements of the reclamation plan including but not limited to revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, protection of archeological sites, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other mitigation measures. Financial assurances for such elements of the reclamation plan shall be monitored by the Planning Department.

.030 The amount of the financial assurances shall be based upon the estimated costs of reclamation for those portions of land disturbed and not yet reclaimed, or phases as stipulated to in the reclamation plan, including any maintenance of reclaimed areas as may be required. Cost estimates shall be prepared by a licensed engineer and/or other qualified professional retained by the operator and approved by the City Planning Director. Prior to City approval, the Planning Department shall forward a copy of the cost estimates to the Director of the Department of Conservation for review. The Director shall have forty five (45) days from the time he or she is first notified to review the cost estimates and prepare written comments, if the Director so chooses. Financial assurances may be based upon estimates including but not necessarily limited to the volume of earth moved (cubic yards) for each year or phase of reclamation. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.

.040 In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by an operator and, consequently, the city or state may contract with a third-party commercial company for mobilization and reclamation of the site.

.050 Where reclamation is accomplished in annual increments, the amount of financial assurances required for any one (1) year shall be adjusted annually and shall be adequate to cover the full estimated costs of reclamation of any land projected to be in a disturbed condition from mining operations by the end of the following year. The estimated costs shall be in the amount required to complete the reclamation on all areas that will not be subject to further disturbance, and to provide interim reclamation, as necessary, for any partially excavated areas in accordance with the reclamation plan. Financial assurances for each year shall be released upon successful completion of reclamation (including any maintenance required) of all areas that will not be subject to further disturbance and upon the operator filing additional financial assurances for the succeeding year. Financial assurances for all subsequent years of the operation shall be handled in the same manner.

.060 Financial assurances for reclamation that is accomplished in multiple-year phases shall be handled in the same manner as described for annual reclamation.

#### **17.20.110 INSPECTIONS.**

The Planning Director shall arrange for inspection of a surface mining operation within six (6) months of receipt of the annual report required in Section 17.20.060 "Processing of Conditional Use Permits and Reclamation Plans" of this Chapter, to determine whether the surface mining operation is in compliance with the approved conditional use permit and/or reclamation plan, and the state regulations. In no event shall less than one (1) inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, state-registered forester, or other qualified specialist, as selected by the Planning Department. All inspections shall be conducted using a form provided by the State Mining and Geology Board. The Planning Director shall notify the Director of the Department of Conservation within thirty (30) days of completion of the inspection that the inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

## 17.20.120 INTERIM MANAGEMENT PLANS.

.010 Within ninety (90) days of a surface mining operation becoming idle, as defined in this Chapter, the operator shall submit to the Planning Department an interim management plan. The interim management plan shall fully comply with the requirements of SMARA, Sec. 2770(h), and shall provide measures that the operator will implement to maintain the site in compliance with SMARA, including, but not limited to, all conditions of the conditional use permit and/or reclamation plan. The interim management plan shall be processed as an amendment to the reclamation plan and shall not be considered a project for the purposes of environmental review.

.020 Financial assurances of idle operations shall be continued as addressed in the reclamation plan or as otherwise approved through the idle mine's interim management plan.

.030 Within sixty (60) days of receipt of the interim management plan, or a longer period mutually agreed upon by the Planning Department and the operator, the Planning Commission shall review and approve, conditionally approve or preliminarily deny the plan in accordance with this Chapter. In the event of a preliminary denial, the operator shall have thirty (30) days or a longer period mutually agreed upon by the Planning Department and the operator to submit a revised plan. The Planning Commission shall approve, conditionally approve or deny the revised interim management plan within sixty (60) days of receipt. If the operator does not submit a revised interim management plan by the required date, the Planning Commission's preliminary action denying the interim management plan shall be considered the Planning Commission's decision as of the date the plan should have been submitted. The Planning Commission's action shall be final, subject to appeal to the City Council in the time and manner otherwise set forth for conditional use permits pursuant to Chapter 18.03 of this Code. The decision of the City Council shall be deemed final.

.040 The approved interim management plan may remain in effect for a period not to exceed five (5) years.

.050 The Planning Commission may renew the interim management plan for another period not to exceed five (5) years if requested by the surface mining operator, or

require the operator to commence reclamation in accordance with the approved reclamation plan.

**17.20.130 TIME LIMIT FOR COMMENCEMENT OF CONDITIONAL USE PERMITS FOR SURFACE MINING OPERATIONS.**

The time limit for commencing a surface mining operation that is permitted pursuant to this Chapter shall be as provided in Chapter 18.03 "Zoning Procedures - Amendments, Conditional Use Permits and Variances."

**17.20.140 VIOLATIONS AND PENALTIES.**

If the Planning Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable conditional use permit and/or the reclamation plan, the City shall follow the procedures set forth in SMARA concerning violations and penalties, as well as those provisions of Chapter 18.03 of this Code for termination or modification of a conditional use permit which are not preempted by SMARA

**17.20.150 FEES.**

The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the state regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance.

**17.20.160 EFFECTIVE AND OPERATIVE DATES.**

This ordinance shall take effect thirty (30) days following its adoption by the Anaheim City Council. This ordinance shall become operative upon certification by the State Mining and Geology Board."

**SECTION 2.**

**SEVERABILITY**

The City Council for the City of Anaheim hereby declares that should any section, paragraph, sentence or word of this ordinance of the Code, hereby adopted, be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

**SECTION 3.**

**SAVINGS CLAUSE**

Neither the adoption of this ordinance nor the repeal of any other 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 or the penal provisions applicable to any violation thereof. The provisions of this ordinance, 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 new enactments.

**SECTION 4.**

**PENALTY**

It shall be unlawful for any person, firm or corporation to violate any provisions or to fail to comply with any of the requirements of this ordinance. Any person, firm or corporation violating any provisions of this ordinance or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided for in this ordinance.

THE FOREGOING ORDINANCE is approved and adopted by the City Council of the City of Anaheim this 21st of September, 1999.

  
\_\_\_\_\_  
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

  
\_\_\_\_\_  
CITY CLERK OF THE CITY OF ANAHEIM

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF ANAHEIM         )

I, SHERYLL SCHROEDER, City Clerk of the City of Anaheim, do hereby certify that the foregoing Ordinance No. 5699 was introduced at a regular meeting of the City Council of the City of Anaheim, held on the 14th day of September 1999, and that the same was duly passed and adopted at a regular meeting of said City Council held on the 21st day of September, 1999, by the following vote of the members thereof:

AYES:           MAYOR/COUNCIL MEMBERS:     Feldhaus, Kring, Tait, McCracken, Daly  
NOES:           MAYOR/COUNCIL MEMBERS:     None  
ABSENT:         MAYOR/COUNCIL MEMBERS:     None

AND I FURTHER CERTIFY that the Mayor of the City of Anaheim signed said Ordinance No. 5699 on the 21st day of September, 1999.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Anaheim this 21st day of September, 1999.

*Sheryll Schroeder*  
CITY CLERK OF THE CITY OF ANAHEIM

(SEAL)

I, SHERYLL SCHROEDER, City Clerk of the City of Anaheim, do hereby certify that the foregoing is the original of Ordinance No. 5699 and was published once in the North County News on the 30th day of September, 1999.

*Sheryll Schroeder*  
CITY CLERK OF THE CITY OF ANAHEIM

THE FOREGOING INSTRUMENT IS A FULL, TRUE AND  
CORRECT COPY OF THE ORIGINAL ON FILE IN THIS  
OFFICE. ATTEST: *Sept 22, 1999*  
SHERYLL SCHROEDER, CITY CLERK OF THE CITY OF ANAHEIM

*Sheryll Schroeder*