



CLAYTON CITY COUNCIL REGULAR MEETING AGENDA

**TUESDAY, SEPTEMBER 1, 2026
7:00 PM**

**Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517**

Members of the public may participate virtually in the Clayton City Council meeting and provide public comment, please join via Zoom.

At the time and date of the meeting, please click this URL to join the webinar:

<https://us02web.zoom.us/j/87013308207?pwd=Cseb8FiFZXHszhgXSPA1SHLTajNzoM.1>

Meeting ID: 870 1330 8207 | Meeting Password: 121212

Dial 669-900-9128 to join by phone

Remote Public Comments: When the Mayor invites public comment for the item on which you would like to comment, please use the "raise hand" feature (or press *9 if connecting via telephone only and press *6 to unmute/mute) to alert staff you have a public comment to provide.

Jeff Wan, Mayor

Richard Enea, Vice Mayor
Holly Tillman, Councilmember

Jim Diaz, Councilmember
Kim Trupiano, Councilmember

1. CALL TO ORDER AND ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

Members of the public may address the City Council on non-agendized items within the Council's jurisdiction. To ensure an orderly meeting and an equal opportunity for everyone, each speaker is limited to three (3) minutes, or the time established by the Mayor. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked or may at its discretion request staff to report back at a future meeting concerning the matter.

Public comment and input on other agenda items will be allowed when each item is considered by the Council.

4. CONSENT CALENDAR

The Consent Calendar includes routine items that are to be enacted by one motion. There will be no separate discussion of these items. If discussion is requested, the item will be removed from the Consent Calendar and considered separately.

5. RECOGNITIONS AND PRESENTATIONS

6. REPORTS

(a) City Manager's Report

- (b) City Council/Committees Reports

7. PUBLIC HEARINGS

- (a) Introduction and First Reading of Ordinance No. 505 Amending Section 5.04.370 of the Clayton Municipal Code, Entitled "Rental Dwellings," to Eliminate the Business License Tax on Single-Family Rental Dwelling Units

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

- (b) Introduction and First Reading of Ordinance No. 506 Amending Section 9.18.060 of the Clayton Municipal Code, Entitled "Enforcement," to Clarify the Fee Schedule Applicable to Excessive False Alarms

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

- (c) Introduction and First Reading of Ordinance No. 507 Amending Section 10.41.020 of the Clayton Municipal Code, Entitled "Definitions," to Clarify That Non-Motorized Trailers Drawn By A Motor Vehicle Are Included Within the Definition of "Recreational Vehicle"

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

- (d) Introduction and First Reading of Ordinance No. 508 Amending Section 11.04.060 of the Clayton Municipal Code, Entitled "Amplified Sound," to Include New Technology Among Exempt Personal Devices and to Update Permit Requirements

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

- (e) Introduction and First Reading of Ordinance No. 509 Amending Sections 12.08.010 Through 12.08.040 of Chapter 12.08, Entitled "Site Obstructions at Intersections," of the Clayton Municipal Code to Extend Sightline Protections to Pedestrians, Establish a Maintenance-Based Standard for Vegetation Within the Sight Triangle, and Update Enforcement Authority References

Recommendation: Open the public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

- (f) Introduction and First Reading of Ordinance No. 510 Adding Chapter 17.70 to the Clayton Municipal Code, Entitled “Special Event Permits,” to Establish a Permit Process for Events Requiring Closure of a Public Right-of-Way, Diversion of Traffic, or Modification of Normal Traffic Controls

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

- (g) Introduction and First Reading of Ordinance No. 511 Renumbering Chapter 17.70 of the Clayton Municipal Code, Entitled “Temporary Use Permits,” as Chapter 17.69; Amending Sections 17.69.010 and 17.69.020; and Adding Section 17.69.070 to Establish Penalties for Violations of Temporary Use Permits

Recommendation: Open the public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

8. ACTION ITEMS

- (a) Consider options to address Truck Traffic on Mitchell Canyon Road, Near Mt. Diablo Elementary School During School Drop-Off and Pick-Up Times

Recommendation: Receive Direction After Discussing Truck Traffic Near Mt. Diablo Elementary School During School Drop-Off and Pick-Up Times.

9. ADJOURNMENT

The next regularly scheduled meeting will be September 15, 2026. For meeting information and materials, please visit the City's website.

Meeting Information and Access

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the [City's website](#).
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) [City's website](#).
- Any writings or documents provided to a majority of the City Council after distribution of the agenda packet and regarding any public item on this agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours and is available for review on the [City's website](#).
- If you have a physical impairment requiring special accommodation to participate, please call the City Clerk's office at least 72 hours (about 3 days) before the meeting at (925) 673-7300.
- E-mail Public Comments: Public comment may also be sent to the [City Clerk](#) by 12:00 p.m. on the day of the meeting. All e-mailed public comments will be forwarded to the entire committee and made part of the official meeting file.
- The City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur time to time. In the event of these difficulties, the City will comply with the Brown Act and its Disruption Policy, which may mean public meetings will continue despite technical difficulties for participants using the teleconferencing option.
- Each person attending the meeting who wishes to speak on an agendized or non-agendized matter (within the council's jurisdiction), shall have a set amount of time to speak as determined by the Mayor.



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Melissa Rhodes, City Clerk

DATE: September 1, 2026

SUBJECT: City Council/Committees Reports

Vice Mayor Enea

- Attended the Clayton Car Show
 - Attended the Concerts in the grove
 - Met Clayton residents for coffee at Country Waffles
 - Talked with residents regarding issues they are concerned about
-

Councilmember Diaz

08-20-2026: Attended County Connection Board Meeting:

- Adopted Resolution No. 2027-02 approving the General Manager to execute an amendment to the Clever Devices/Hitachi Rail Maintenance Contract
- Released Request for Proposal (RFP) for County Connection and LAVTA Joint Paratransit Procurement
- Received an update on the Youth Ride Free Program
- Authorized the Purchase of Seven 29 Foot Low Floor Diesel Buses from Gillig Corporation
- Approved the Re-Appointment of Subhang Mall to the Advisory Committee.

08-22-2026: Set-Up, Attended, Take-Down Concert in The Grove

08-27-2026: Attended Pittsburg Car Show

08-29-2026: Attended 150th Year City of Martinez Celebration

09-01-2026: Met with City Manager

Councilmember Trupiano

Weekly meetings with City Manager Kris Lofthus

- August 22nd Final Concert in the Grove, great turnout, great music and great season overall. Thank you to all of our sponsors, volunteers, City Staff, maintenance and police department for making this event a success.
 - August 23rd finalized wording on both rebuttals for Measure M and N and submitted to City Clerk on 8/24
 - August 25th meeting with Police Chief Crone
 - August 26th meeting with Chris Karney to talk about Hispanic Heritage Celebration, September 20th from 12 to 4 pm
 - August 26th watched the City's Town Hall meeting about Measures M and N
 - August 27th attended the Town Hall about the updated EOP with Chief Crone
 - August 30th attended the Community BBQ and Backpack Giveaway, Martinez, sponsored by Senator Tim Grayson and Assemblymember Avila-Farias
-

Councilmember Tillman

- August 6th Attended the Mayor's Conference hosted by the City of Oakley
- August 10th Attended the MDEDF Board Meeting
- August 11th Attended Clayton Pride Board meeting
- August 12th Led the East Bay Division Board of Directors meetings with lawmakers in Sacramento to advocate for key public safety bills affecting East Bay Cities. More details can be found here <https://www.calcities.org/home/post/2026/08/19/east-bay-officials-lobby-lawmakers-in-sacramento>
- August 16th Attended the celebration of life for Sue Rainey
- August 20th Attended the East Bay Division Board meeting

I also met with Chief Crone, City Manager, had conversations regarding GHAD and LMD concerns, ad hoc tax measure meetings, and wildfire liability reform proposal discussions.

ATTACHMENTS

None



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 1, 2026

SUBJECT: Introduction and First Reading of Ordinance No. 505 Amending Section 5.04.370 of the Clayton Municipal Code, Entitled "Rental Dwellings," to Eliminate the Business License Tax on Single-Family Rental Dwelling Units

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

RECOMMENDATION

Staff recommends that the City Council: (1) Hold a public hearing; (2) Introduce and conduct first reading, by title only, of the attached ordinance amending Clayton Municipal Code Section 5.04.370 (Rental Dwellings); and (3) schedule the ordinance for second reading and adoption at the next regular City Council meeting.

BACKGROUND

Section 5.04.370 of the Clayton Municipal Code, adopted by Ordinance 184 in 1978, requires owners of residential rental dwelling units to pay an annual business license tax of \$127.00 for a single-family rental, and \$127.00 for the first unit plus \$25.00 for each additional unit in a duplex or multi-family rental property. This tax applies to residential rental activity generally, including owners renting a single unit, a secondary unit, or an accessory dwelling unit (ADU), which is treated as a single-family rental under the current fee structure.

Staff has reviewed this longstanding provision in light of the City's current housing goals, including compliance with state housing law and the City's interest in expanding the availability of rental housing stock, including ADUs authorized under state ADU legislation. Based on this review, staff recommends amending Section 5.04.370 to remove the business license tax as applied to single-family rentals, including secondary units and ADUs, while retaining the existing tax structure for duplex and multiple-dwelling rental properties.

DISCUSSION

Staff's review identified several considerations supporting amendment of the business license requirement as it applies to single-family rental dwellings:

Administrative Burden and Housing Supply. The current licensing requirement imposes

recurring paperwork and fee obligations on property owners, including those renting a single-family home, secondary unit, or ADU. This administrative burden can discourage smaller property owners, particularly individual homeowners, from making units available for rent, running counter to the City's interest in expanding the local rental housing supply. This concern is most pronounced for single-family and ADU rentals, which are more likely to be owned by individual residents rather than commercial or investment operators.

Cost Pass-Through to Tenants. Business license fees, whether structured as flat charges or a percentage of gross receipts, are frequently passed through to tenants in the form of higher rent. Removing the fee for single-family rentals, including ADUs, reduces this cost pressure on smaller-scale rental housing, which often serves as a more affordable segment of the local rental market.

Staff Resource Allocation. Maintaining a business license database for single-family residential rental properties requires ongoing staff time to track renewals, process applications, and pursue delinquent accounts. Narrowing the licensing requirement would allow code enforcement and administrative staff to redirect a portion of their efforts toward direct health, safety, and habitability concerns rather than licensing administration, while preserving the City's existing revenue stream and oversight structure for duplex and multi-family rental properties.

Classification of Rental Activity. Residential rental of an owner's own single-family home, secondary unit, or ADU is more appropriately understood as management of a personal or investment asset than as operation of a commercial business enterprise. Duplex and multiple-dwelling rental properties, by contrast, more closely resemble commercial rental operations and warrant continued treatment as licensed business activity under the Municipal Code.

ADUs as Secondary Units. Because ADUs are legally and functionally distinct from duplex or multi-family dwellings — they are accessory to a single-family primary residence rather than independent units within a multi-unit structure — the removal of the single-family rental fee necessarily extends to ADUs. This treatment is consistent with the City's broader policy interest in encouraging ADU development and rental as authorized under state ADU legislation.

Staff notes that amendment of Section 5.04.370 to remove the single-family rental fee, including as applied to ADUs, would not affect the City's ability to enforce building, health, and safety standards applicable to rental housing through other titles of the Municipal Code (e.g., Title 15 — Building Code, and applicable provisions of Title 1 — General Provisions regarding code enforcement), nor would it affect any state-mandated habitability or tenant protection requirements. The amendment likewise would not affect the City's continued collection of business license taxes from duplex and multiple-dwelling rental properties under the existing fee structure.

FISCAL IMPACT

Fiscal impact of approximately -\$1,285 in general fund revenue from the elimination of "Single Family" dwellings to the code.

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 5.04.370

2. Attachment B - Ordinance No. 505

Section 5.04.370

5.04.370 Rental Dwellings.

A person who owns dwelling unit or units being used as a rental shall pay:

~~Single Family~~ ~~\$127.00~~

Duplex and multiple dwellings \$127.00 for the first unit
\$25.00 each additional unit

~~(Res. 34-99, Ord. 184, Sec. 1, 1978)~~

[Section amended by Ord. ___, § ___, 2026]

ORDINANCE NO. 505

AN ORDINANCE AMENDING SECTION 5.04.370 OF THE CLAYTON MUNICIPAL CODE, ENTITLED "RENTAL DWELLINGS," TO ELIMINATE THE BUSINESS LICENSE TAX ON SINGLE-FAMILY RENTAL DWELLING UNITS

**THE CITY COUNCIL
City of Clayton, California**

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, Clayton Municipal Code section 5.04.370, originally adopted by Ordinance No. 184 in 1978, requires owners of residential rental dwelling units to pay an annual business license tax, including owners renting a single-family home, secondary unit, or accessory dwelling unit; and

WHEREAS, the City Council desires to support the City's housing goals and expand the availability of rental housing, including accessory dwelling units authorized under state law, and finds that the recurring licensing requirement may discourage smaller property owners from making such units available for rent and may result in associated costs being passed through to tenants; and

WHEREAS, eliminating the business license tax for single-family rental dwelling units will reduce administrative burdens while allowing City staff to focus resources on direct health, safety, and habitability concerns, without affecting the City's authority to enforce applicable building, health, safety, habitability, code enforcement, or tenant-protection requirements; and

WHEREAS, the City Council desires to retain the existing business license tax structure for duplex and multiple-dwelling rental properties, which more closely resemble commercial rental operations.

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

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Amendment to Clayton Municipal Code Section 5.04.370.
Section 5.04.370 of the Clayton Municipal Code is hereby amended its entirety to read as follows:

"5.04.370 - Rental Dwellings.

A person who owns dwelling unit or units being used as a rental shall pay:

Duplex and multiple dwellings	\$127.00 for the first unit
	\$25.00 each additional unit."

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 505 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 1, 2026

SUBJECT: Introduction and First Reading of Ordinance No. 506 Amending Section 9.18.060 of the Clayton Municipal Code, Entitled "Enforcement," to Clarify the Fee Schedule Applicable to Excessive False Alarms

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

RECOMMENDATION

Staff recommends that the City Council: (1) Hold a public hearing; (2) Introduce and conduct first reading, by title only, of the attached ordinance amending Clayton Municipal Code Section 9.18.060 (Alarm Systems - Enforcement); and (3) schedule the ordinance for second reading and adoption at the next regular City Council meeting.

BACKGROUND

Section 9.18.060 of the Clayton Municipal Code governs enforcement of the City's alarm systems chapter. Subsection A establishes a tiered infraction fine schedule for violations of the chapter generally: \$50.00 for a first violation, \$100.00 for a second violation of the same ordinance within one year, and \$250.00 for each additional violation within one year.

Subsection B separately addresses false alarms, capping the number of false alarms a user may report before incurring a fee — no more than three within any thirty-day period, and no more than four within any twelve-month period. As currently written, however, Subsection B imposes a flat \$50.00 fee for every false alarm reported in excess of these limits, regardless of how many excess false alarms a user has already incurred. This flat-fee structure exists alongside, and is inconsistent with, the escalating fine schedule set out in Subsection A, creating ambiguity for staff and the public as to which fee schedule actually applies to repeated false alarms.

DISCUSSION

Staff's review found that the current language in Subsection B has created confusion in practice, since it appears to establish a separate, flat false alarm fee that conflicts with the escalating fine structure already established in Subsection A for repeat violations. This ambiguity makes the section difficult to apply consistently and could expose the City to disputes

over which fee amount is properly owed for a second or third excess false alarm within the relevant period. The confusing language of “within one year” in Subsection A was also corrected to mirror the language in Subsection B, which states, “within a twelve-month period”.

The proposed amendment resolves this by removing the standalone flat fee reference in Subsection B and instead cross-referencing the fee schedule already established in Subsection A. Under the amended language, a false alarm fee for alarms in excess of the allowable limits would be assessed consistent with the same escalating schedule applied to other violations of the chapter — \$50.00 for the first excess false alarm, \$100.00 for a second, and \$250.00 for each additional excess false alarm within the relevant period. This change does not create a new fee or increase the maximum fine amounts already authorized under Subsection A; it clarifies that a single, consistent fee schedule governs all violations and excess false alarms under this chapter, eliminating the internal inconsistency in the current code language.

FISCAL IMPACT

None

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 9.18.060
2. Attachment B - Ordinance No. 506

9.18 - Alarm Systems:

9.18.060 - Enforcement.

- A. It is an infraction for a person to violate or fail to comply with this chapter. An infraction is punishable by (1) a fine of not exceeding fifty dollars (\$50.00) for a first violation; (2) a fine not exceeding one hundred dollars (\$100.00) for a second violation of the same Ordinance within ~~one-year~~ a twelve-month period; (3) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of the same Ordinance within one year.
- B. The maximum number of allowable false alarms reported shall be no more than three (3) in any thirty-day period with a maximum allowable of no more than four (4) in a twelve-month period. For every false alarm in excess of three (3) during any thirty-day period or more than four (4) during a year, the user shall pay a false alarm fee ~~of fifty dollars (\$50.00)~~ as per 9.18.060 (A). Any number of false alarms in a twenty-four-hour period shall be deemed as one false alarm for purposes of this section.

The Chief of Police shall notify in writing any user that has exceeded the number of allowable false alarms in a thirty-day period. False alarms shall result in a service assessment fee in accordance with this chapter.

[Section amended by Ord. ___, § ___, 2026]

ORDINANCE NO. 506

AN ORDINANCE AMENDING SECTION 9.18.060 OF THE CLAYTON MUNICIPAL CODE, ENTITLED "ENFORCEMENT," TO CLARIFY THE FEE SCHEDULE APPLICABLE TO EXCESSIVE FALSE ALARMS

**THE CITY COUNCIL
City of Clayton, California**

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, Clayton Municipal Code Chapter 9.18 regulates alarm systems, and section 9.18.060 governs enforcement of that chapter; and

WHEREAS, subsection A of section 9.18.060 establishes an escalating fine schedule for violations of Chapter 9.18, consisting of a fine not exceeding fifty dollars (\$50.00) for a first violation, one hundred dollars (\$100.00) for a second violation of the same ordinance within a twelve-month period, and two hundred fifty dollars (\$250.00) for each additional violation of the same ordinance within a twelve-month period; and

WHEREAS, subsection B of section 9.18.060 separately limits the number of allowable false alarms and currently imposes a flat fifty-dollar (\$50.00) fee for each false alarm exceeding those limits, creating ambiguity as to the fee schedule applicable to repeated excess false alarms; and

WHEREAS, the City Council desires to eliminate this ambiguity by providing that fees for false alarms exceeding the allowable limits shall be assessed under the escalating schedule set forth in subsection A; and

WHEREAS, the amendment does not create a new fee or increase the maximum fine amounts already authorized, but clarifies that a single, consistent fee schedule applies to violations and excess false alarms under Chapter 9.18.

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

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Amendment to Clayton Municipal Code Section 9.18.060.

Section 9.18.060 of the Clayton Municipal Code is hereby amended to read as follows:

"9.18.060 - Enforcement.

A. It is an infraction for a person to violate or fail to comply with this chapter. An infraction is punishable by (1) a fine of not exceeding fifty dollars (\$50.00) for a first violation; (2) a fine not exceeding one hundred dollars (\$100.00) for a second violation of the same Ordinance within a twelve-month period; (3) a fine not exceeding two

hundred fifty dollars (\$250.00) for each additional violation of the same Ordinance within a twelve-month period.

B. The maximum number of allowable false alarms reported shall be no more than three (3) in any thirty-day period with a maximum allowable of no more than four (4) in a twelve-month period. For every false alarm in excess of three (3) during any thirty-day period or more than four (4) during a twelve-month period, the user shall pay a false alarm fee as per 9.18.060 (A). Any number of false alarms in a twenty-four-hour period shall be deemed as one false alarm for purposes of this section.

The Chief of Police shall notify in writing any user that has exceeded the number of allowable false alarms in a thirty-day period. False alarms shall result in a service assessment fee in accordance with this chapter."

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 506 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 1, 2026

SUBJECT: Introduction and First Reading of Ordinance No. 507 Amending Section 10.41.020 of the Clayton Municipal Code, Entitled "Definitions," to Clarify That Non-Motorized Trailers Drawn By A Motor Vehicle Are Included Within the Definition of "Recreational Vehicle"

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

RECOMMENDATION

Staff recommends that the City Council: (1) Hold a public hearing; (2) Introduce and conduct first reading, by title only, of the attached ordinance amending Clayton Municipal Code Section 10.41.020 (Recreational Vehicles - Definitions); and (3) schedule the ordinance for second reading and adoption at the next regular City Council meeting.

BACKGROUND

Section 10.41.020 of the Clayton Municipal Code defines "recreational vehicle" for purposes of Chapter 10.41, which regulates the parking, storage, and occupancy of recreational vehicles within the City. The current definition lists examples of covered vehicles, including motorhomes, travel trailers, fifth wheels, campers, and coaches, but does not expressly address conventional, non-motorized trailers designed to be towed by a separate motor vehicle for carrying property, passengers, or human habitation.

Staff has identified this as a gap in the current definition. Because the ordinance's illustrative list does not clearly capture towed trailers generally, including both enclosed and unenclosed trailers, staff and the public have lacked clarity as to whether such trailers fall within the chapter's regulatory scope alongside more conventional recreational vehicles such as travel trailers and fifth wheels.

DISCUSSION

The proposed amendment adds language to Subsection A clarifying that the definition of "recreational vehicle" includes trailers without motive power that are designed to be drawn by a motor vehicle for carrying property, passengers, or for human habitation, including both enclosed and unenclosed trailers. This addition closes a gap in the current definition by

ensuring that conventional towed trailers are treated consistently with the other towed and self-propelled vehicle types already listed, such as travel trailers and fifth wheels.

The amendment does not alter the chapter's existing exclusions in Subsection A, which continue to exempt pick-up trucks with camper shells used for daily transportation, trailer components of commercial vehicles making deliveries or construction-related trips under an existing building permit, and vehicles designed exclusively for travel on stationary rails or tracks. The amendment also does not change the definitions of "long term occupancy" or "light maintenance" in Subsections B and C, or any of the parking, storage, or occupancy standards elsewhere in Chapter 10.41; it clarifies the scope of vehicles subject to those existing standards.

FISCAL IMPACT

None

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 10.41.020
2. Attachment B - Ordinance No. 507

Chapter 10.41 - RECREATIONAL VEHICLES

10.41.020 Definitions.

A. "Recreational vehicle" means a vehicle that is self-propelled, motorized, or towed and designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area, including, for example and without limitation, a motorhome, travel trailer, fifth wheel, camper, ~~and~~ coach, ~~and trailers, without motive power, designed to be drawn by a motor vehicle for carrying property, passengers, or for human habitation including both enclosed and unenclosed trailers.~~ The term recreational vehicle also includes dirt bikes, dune buggies, off-road vehicles (multiwheeled or tracked), and boats or water-craft of any size, with or without the transporting trailer. The term recreational vehicle does not include: pick-up trucks carrying a camper-shell and used for transportation on a daily basis that are not designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area; any trailer component of a commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained; or any vehicle designed exclusively for travel on stationary rails or tracks.

B. "Long term occupancy" means occupancy of more than ten (10) consecutive days.

C. "Light maintenance" means maintenance which is incidental to the current trip, is not prohibited by Section 10.36.070, 10.36.080, 13.12.060.A, 13.12.070, and 13.12.080 of this code or any other applicable local, State or Federal law and which is completed in no more than one day between the hours of 8:00 a.m. and 8:00 p.m. Exterior washing of recreational vehicles is not permitted on impermeable surfaces including public streets or roads.

[Section amended by Ord. ___, § ___, 2026]

ORDINANCE NO. 507

AN ORDINANCE AMENDING SECTION 10.41.020 OF THE CLAYTON MUNICIPAL CODE, ENTITLED "DEFINITIONS," TO CLARIFY THAT NON-MOTORIZED TRAILERS DRAWN BY A MOTOR VEHICLE ARE INCLUDED WITHIN THE DEFINITION OF "RECREATIONAL VEHICLE"

**THE CITY COUNCIL
City of Clayton, California**

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, Clayton Municipal Code Chapter 10.41 regulates the parking, storage, and occupancy of recreational vehicles within the City, and section 10.41.020 defines terms used in that chapter; and

WHEREAS, the City Council desires to clarify that the definition of "recreational vehicle" includes trailers without motive power that are designed to be drawn by a motor vehicle for carrying property, passengers, or for human habitation, including both enclosed and unenclosed trailers.

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

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Amendment to Clayton Municipal Code Section 10.41.020.

Section 10.41.020A of the Clayton Municipal Code is hereby amended in its entirety to read as follows:

"10.41.020 Definitions.

A. "Recreational vehicle" means a vehicle that is self-propelled, motorized, or towed and designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area, including, for example and without limitation, a motorhome, travel trailer, fifth wheel, camper, coach, and trailers, without motive power, designed to be drawn by a motor vehicle for carrying property, passengers, or for human habitation including both enclosed and unenclosed trailers. The term recreational vehicle also includes dirt bikes, dune buggies, off-road vehicles (multiwheeled or tracked), and boats or water-craft of any size, with or without the transporting trailer. The term recreational vehicle does not include: pick-up trucks carrying a camper-shell and used for transportation on a daily basis that are not designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area; any trailer component of a commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a

building permit has previously been obtained; or any vehicle designed exclusively for travel on stationary rails or tracks."

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 507 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 1, 2026

SUBJECT: Introduction and First Reading of Ordinance No. 508 Amending Section 11.04.060 of the Clayton Municipal Code, Entitled "Amplified Sound," to Include New Technology Among Exempt Personal Devices and to Update Permit Requirements

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

RECOMMENDATION

Staff recommends that the City Council: (1) Hold a public hearing; (2) Introduce and conduct first reading, by title only, of the attached ordinance amending Clayton Municipal Code Section 11.04.060 (City Parks – Amplified Sound); and (3) schedule the ordinance for second reading and adoption at the next regular City Council meeting.

BACKGROUND

Section 11.04.060 of the Clayton Municipal Code prohibits operation of sound amplification equipment in City parks, while exempting portable personal devices, such as radios and tape players, that are tuned so their sound does not carry more than ten (10) feet from the speaker. The section also exempts events or programs using sound amplification equipment if they have obtained an "activity permit" from the City.

Staff has identified two issues with the current language. First, the list of exempt personal devices reflects technology in use at the time of the ordinance's adoption in 1991 and does not reference Bluetooth speakers, a now-common category of portable personal audio device functionally similar to the radios and tape players already listed. Second, the exemption for permitted events references an "activity permit," which does not correspond to any permit type the City currently issues; the City's actual permitting framework for park events and amplified sound uses noise permits and special event permits.

DISCUSSION

The proposed amendment makes two clarifying changes to Section 11.04.060. First, it simplifies the language to "personal electronic devices and speakers or similar devices" that are excluded from the definition of "sound amplification equipment," consistent with the existing

ten-foot sound-carry threshold that already applies to portable radios, tape players, and similar devices. This update brings the ordinance in line with current, commonly used personal audio technology without changing the underlying volume standard.

Second, the amendment replaces the reference to an "activity permit" with "noise permit or special events permit," aligning the exemption with the permit types the City actually issues for events and programs involving amplified sound in parks. This is a terminology correction rather than a substantive change in policy; it ensures that event organizers who obtain the permit the City actually issues are properly exempted under the section, and eliminates confusion caused by the current reference to a permit type that does not exist in the City's permitting process.

Neither change alters the core prohibition on unpermitted sound amplification equipment in parks, nor the ten-foot threshold distinguishing personal devices from regulated equipment.

FISCAL IMPACT

None

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 11.04.060
2. Attachment B - Ordinance No. 508

Chapter 11.04 - CITY PARKS

11.04.060 - Amplified Sound.

No one shall operate any sound amplification equipment in any park. For purpose of this section, "sound amplification equipment" does not include ~~portable radios, tape players,~~ ~~personal electronic devices and speakers~~ or ~~and~~ similar devices tuned so that the sound does not carry more than ten (10) feet from the speaker. Events or programs using sound amplification equipment that have an ~~activity permit~~ ~~noise permit~~ or ~~special events permit~~ from the City are exempt from this regulation.

[Section amended by Ord. ___, § ___, 2026]

ORDINANCE NO. 508

AN ORDINANCE AMENDING SECTION 11.04.060 OF THE CLAYTON MUNICIPAL CODE, ENTITLED "AMPLIFIED SOUND," TO INCLUDE NEW TECHNOLOGY AMONG EXEMPT PERSONAL DEVICES AND TO UPDATE PERMIT REQUIREMENTS

**THE CITY COUNCIL
City of Clayton, California**

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, Clayton Municipal Code section 11.04.060 prohibits the operation of sound amplification equipment in City parks, subject to specified exemptions; and

WHEREAS, the section excludes portable radios, tape players, and similar personal devices from the definition of sound amplification equipment; and

WHEREAS, the City Council desires to update the existing personal-device exemption list to reference newer technology and update the permit requirements.

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

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Amendment to Clayton Municipal Code Section 11.04.060.

Section 11.04.060 of the Clayton Municipal Code is hereby amended in its entirety to read as follows:

"11.04.060 - Amplified Sound.

No one shall operate any sound amplification equipment in any park. For purpose of this section, "sound amplification equipment" does not include personal electronic devices and speakers or similar devices tuned so that the sound does not carry more than ten (10) feet from the speaker. Events or programs using sound amplification equipment that have a noise permit or special events permit from the City are exempt from this regulation."

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 508 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 1, 2026

SUBJECT: Introduction and First Reading of Ordinance No. 509 Amending Sections 12.08.010 Through 12.08.040 of Chapter 12.08, Entitled "Site Obstructions at Intersections," of the Clayton Municipal Code to Extend Sightline Protections to Pedestrians, Establish a Maintenance-Based Standard for Vegetation Within the Sight Triangle, and Update Enforcement Authority References

Recommendation: Open the public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

RECOMMENDATION

Staff recommends that the City Council: (1) Hold a public hearing; (2) Introduce and conduct first reading, by title only, of the attached ordinance amending Clayton Municipal Code Section 12.08.010 through 12.08.040 (Sight Obstructions at Intersections); and (3) schedule the ordinance for second reading and adoption at the next regular City Council meeting.

BACKGROUND

Chapter 12.08 of the Clayton Municipal Code was originally adopted in 1969 under Ordinance 64, with limited amendments in 1975 under Ordinance 149, and has not been substantively updated since. The chapter establishes height limits for structures, fences, and vegetation within the sight triangle at street and highway intersections, and sets out a notice, removal, and appeal process for violations.

Staff's review identified three respects in which the chapter no longer reflects current conditions or City practice. First, Section 12.08.010's obstruction standard is framed solely in terms of vehicle visibility and does not account for pedestrian visibility at intersections. Second, the chapter treats all trees within the sight triangle generically, without distinguishing between a well-maintained, properly pruned tree, whose trunk presents no more of an obstruction than a utility pole, and a neglected or overgrown tree whose low branches and foliage can substantially or entirely block a driver's or pedestrian's view of the intersection. Third, Sections 12.08.030 and 12.08.040 assign responsibility for enforcement determinations and appeals to the "city engineer," a role reference that does not match how the City currently administers this function, which is handled by the City Manager or designee, consistent with the terminology already used in Section 12.08.020.

DISCUSSION

The proposed amendment updates Chapter 12.08 as follows:

Section 12.08.010 — Pedestrian Visibility and Vegetation Maintenance Standard. The amendment expands the obstruction standard to protect visibility for pedestrians approaching an intersection, in addition to vehicles, recognizing that overgrown vegetation and structures within the sight triangle pose a safety risk to pedestrians as well as drivers. The amendment also adds an express maintenance-based standard for trees: rather than treating all trees as subject to the same height restriction as fences or shrubbery, trees may be maintained within the sight triangle provided their trunks, branches, and foliage are kept trimmed so as not to obstruct visibility for approaching vehicles. This codifies the practical distinction between a properly maintained tree, which does not meaningfully impair sightlines, and an unmaintained tree, which can. A tree that is not maintained to this standard remains subject to enforcement as an obstruction under the chapter.

Section 12.08.020 — Reasonableness Standard for Exceptions. The amendment clarifies that the City Manager or designee may determine that a given condition does not "materially" obstruct visibility, establishing a reasonableness standard for evaluating borderline cases (such as existing topography or minor encroachments) rather than requiring strict, inflexible application of the chapter's measurements in every circumstance.

Sections 12.08.030 and 12.08.040 — Updated Enforcement Authority. Both sections are amended to replace references to the "city engineer" with the "City Manager or designee," consistent with the City's current organizational structure and with the terminology already used in Section 12.08.020. This is a terminology correction and does not substantively change the notice, removal, or appeal process set out in these sections.

None of these amendments alter the underlying height limits, the ten-day removal and appeal timelines, or the ten-dollar appeal filing fee established elsewhere in the chapter.

FISCAL IMPACT

None

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 12.08
2. Attachment B - Ordinance No. 509

Sight Obstructions:

Chapter 12.08 - SIGHT OBSTRUCTIONS AT INTERSECTIONS

12.08.010 - Structures, Fences and Vegetation Height Limits.

No structure (including but not limited to fences and gateways), ~~trees~~, shrubbery or other vegetation which *obstructs* the visibility of and from vehicles ~~and pedestrians~~ approaching the intersection of a state highway, public road, or city street with another state highway, public road or city street, shall be constructed, grown, maintained or permitted higher than two and one-half (2½) feet above the curb grade, or three (3) feet above the edge of pavement, within a triangular area bounded by the right-of-way lines and a diagonal line joining points on the right-of-way lines thirty-five (35) feet back from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve of the right-of-way line and a diagonal line joining points on said tangents thirty-five (35) feet back from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve of the right-of-way line at the corner. ~~Trees may be maintained within the required visibility triangle provided that tree trunks, branches, and foliage are maintained so as not to obstruct visibility for vehicles and pedestrians approaching an intersection.~~ An illustration of the aforesaid regulations is set forth in Exhibit "A" on the following page.

[Section amended by Ord. ___, § ___, 2026]

12.08.020 - Exceptions.

This chapter shall not apply to existing public utility poles, official traffic signs or signals, or corners where the contour of the land itself prevents visibility ~~or as determined by the City Manager or designee as not materially obstructing visibility.~~ This chapter shall not apply to all lands within a limited commercial (L-C) zoning district.

[Section amended by Ord. ___, § ___, 2026]

12.08.030 - Notice to Remove—Right of Appeal—Failure to Remove Unlawful.

If the ~~city engineer~~ City Manager or designee determines that a violation of this chapter exists, ~~he they~~ shall give written notice to the owner, tenant, or person having possession, charge or control of the premises on which the violation exists. The notice may be given by registered or certified mail. The notice shall designate the *obstruction* that is existing in violation of this chapter and shall direct that the *obstruction* be removed within ten (10) days after receipt of the notice. The notice shall also recite the right of appeal hereinafter provided for in this chapter. It is unlawful for the person to whom the notice is addressed to fail to remove the *obstruction* within the ten-day period unless within said period ~~he they~~ appeals as hereinafter provided for, in which case the removal must be accomplished within ten (10) days after an adverse ruling on the appeal or application or as is ordered by the planning commission.

[Section amended by Ord. ___, § ___, 2026]

12.08.040 - Appeal—Filing Fee—Planning Commission Decision.

The owner, tenant, or person having possession, charge or control of the premises may appeal the determination of the ~~city engineer~~ City Manager or designee or may seek a variance from the terms of this chapter by making application to the city planning commission in the manner provided for in Sections [17.52.010](#) through 17.52.060 of this code pertaining to the application for variance permit under the zoning ordinance. The fee to be paid to the city clerk upon filing of such appeal shall be ten dollars (\$10.00). Upon such application the planning commission may review the determination of the ~~city engineer~~ City Manager or designee if the application is an appeal therefrom, and in any case if the planning commission determines that a violation of this chapter exists or is proposed or planned, may grant, grant conditionally, or refuse to grant a variance from the terms and provisions of this chapter. Within ten (10) days after the planning commission determines that the *obstruction* must be removed, the applicant shall remove the *obstruction*.

[Section amended by Ord. ___, § ___, 2026]

ORDINANCE NO. 509

AN ORDINANCE AMENDING SECTIONS 12.08.010 THROUGH 12.08.040 OF CHAPTER 12.08, ENTITLED "SITE OBSTRUCTIONS AT INTERSECTIONS" OF THE CLAYTON MUNICIPAL CODE TO EXTEND SIGHTLINE PROTECTIONS TO PEDESTRIANS, ESTABLISH A MAINTENANCE-BASED STANDARD FOR VEGETATION WITHIN THE SIGHT TRIANGLE, AND UPDATE ENFORCEMENT AUTHORITY REFERENCES

**THE CITY COUNCIL
City of Clayton, California**

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, Clayton Municipal Code Chapter 12.08 establishes height limits for structures, fences, and vegetation within sight triangles at intersections and provides notice, removal, and appeal procedures for violations, among other things; and

WHEREAS, the City Council desires to amend Sections 12.08.010-12.08.040 to extend sightline protections to pedestrians, establish a maintenance-based standard for trees within the required visibility triangle, and update enforcement authority references.

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

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Amendment to Clayton Municipal Code Chapter 12.08.

Sections 12.08.010 through 12.08.040 of the Clayton Municipal Code are hereby amended in their entirety to read as follows:

"12.08.010 - Structures, Fences and Vegetation Height Limits.

No structure (including but not limited to fences and gateways), shrubbery or other vegetation which obstructs the visibility of and from vehicles and pedestrians approaching the intersection of a state highway, public road, or city street with another state highway, public road or city street, shall be constructed, grown, maintained or permitted higher than two and one-half (2½) feet above the curb grade, or three (3) feet above the edge of pavement, within a triangular area bounded by the right-of-way lines and a diagonal line joining points on the right-of-way lines thirty-five (35) feet back from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve of the right-of-way line and a diagonal line joining points on said tangents thirty-five (35) feet back from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve of the right-of-way line at the corner. Trees may be maintained within the required visibility triangle provided that tree trunks, branches, and foliage are maintained so as not to obstruct visibility for vehicles and pedestrians approaching an intersection.

An illustration of the aforesaid regulations is set forth in Exhibit "A" on the following page.

12.08.020 - Exceptions.

This chapter shall not apply to existing public utility poles, official traffic signs or signals, or corners where the contour of the land itself prevents visibility or as determined by the City Manager or designee as not materially obstructing visibility. This chapter shall not apply to all lands within a limited commercial (L-C) zoning district.

12.08.030 - Notice to Remove—Right of Appeal—Failure to Remove Unlawful.

If the City Manager or designee determines that a violation of this chapter exists, they shall give written notice to the owner, tenant, or person having possession, charge or control of the premises on which the violation exists. The notice may be given by registered or certified mail. The notice shall designate the obstruction that is existing in violation of this chapter and shall direct that the obstruction be removed within ten (10) days after receipt of the notice. The notice shall also recite the right of appeal hereinafter provided for in this chapter. It is unlawful for the person to whom the notice is addressed to fail to remove the obstruction within the ten-day period unless within said period they appeal as hereinafter provided for, in which case the removal must be accomplished within ten (10) days after an adverse ruling on the appeal or application or as is ordered by the planning commission.

12.08.040 - Appeal—Filing Fee—Planning Commission Decision.

The owner, tenant, or person having possession, charge or control of the premises may appeal the determination of the City Manager or designee or may seek a variance from the terms of this chapter by making application to the city planning commission in the manner provided for in Sections 17.52.010 through 17.52.060 of this code pertaining to the application for variance permit under the zoning ordinance. The fee to be paid to the city clerk upon filing of such appeal shall be ten dollars (\$10.00). Upon such application the planning commission may review the determination of the City Manager or designee if the application is an appeal therefrom, and in any case if the planning commission determines that a violation of this chapter exists or is proposed or planned, may grant, grant conditionally, or refuse to grant a variance from the terms and provisions of this chapter. Within ten (10) days after the planning commission determines that the obstruction must be removed, the applicant shall remove the obstruction."

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendments adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

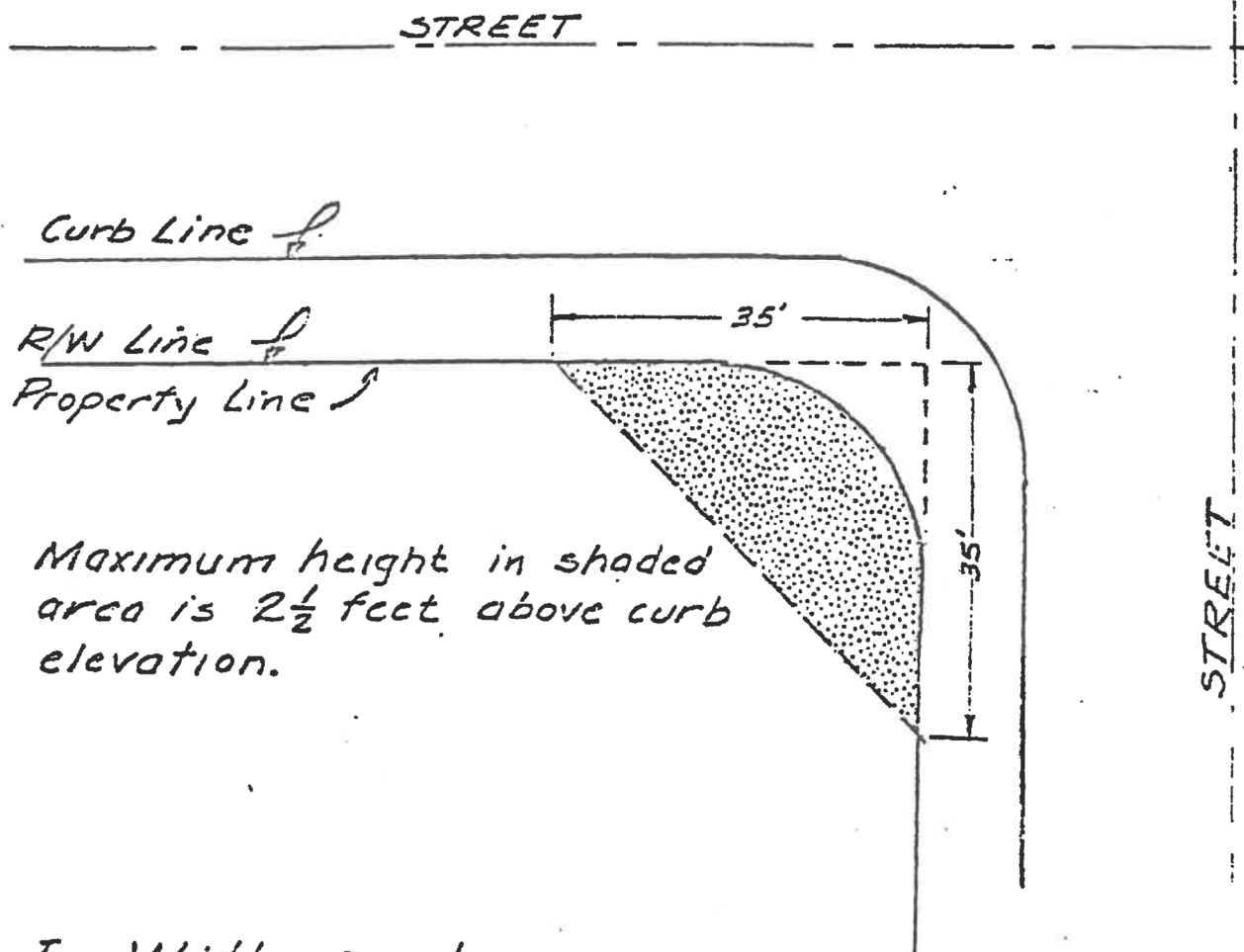
APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

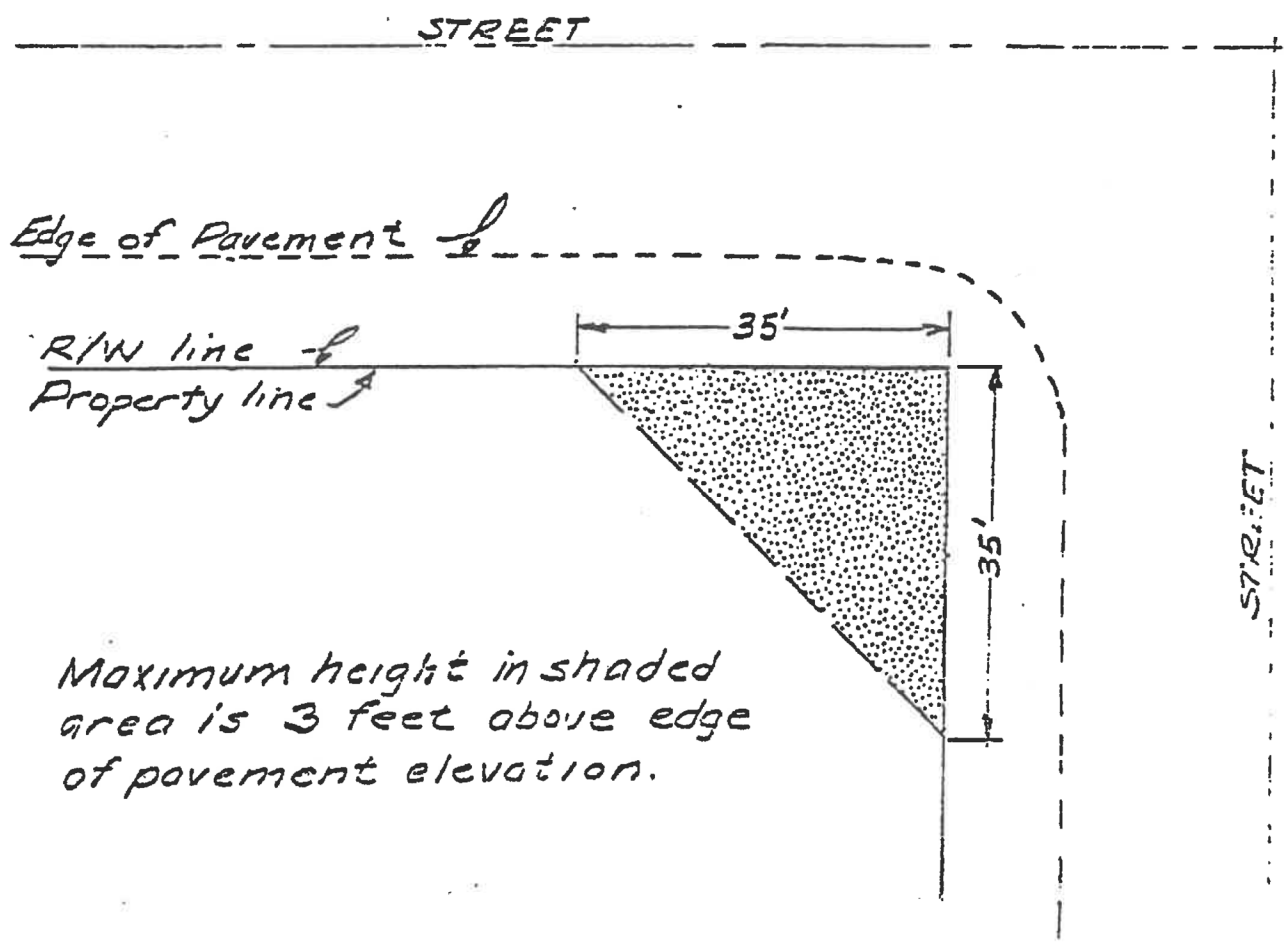
Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 509 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



CASE I- With curb





STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 1, 2026

SUBJECT: Introduction and First Reading of Ordinance No. 510 Adding Chapter 17.70 to the Clayton Municipal Code, Entitled "Special Event Permits," to Establish a Permit Process for Events Requiring Closure of a Public Right-of-Way, Diversion of Traffic, or Modification of Normal Traffic Controls

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

RECOMMENDATION

Staff recommends that the City Council: (1) Hold a public hearing; (2) Introduce and conduct first reading, by title only, of the attached new ordinance - Clayton Municipal Code Section 17.70 (Special Event Permits); and (3) schedule the ordinance for second reading and adoption at the next regular City Council meeting.

BACKGROUND

The City is concurrently amending and renumbering Chapter 17.70 (Temporary Use Permits) as Chapter 17.69, in order to make the 17.70 chapter number available for a new, distinct permit category: Special Event Permits (SEP). Temporary Use Permits, as revised, are limited to short-term land uses that do not require closure of a public right-of-way, diversion of traffic, or changes to normal traffic regulations or controls, and are processed administratively given their minimal community impact.

By contrast, events such as parades, block parties, festivals, and organized public assemblies that do require full or partial street closures, traffic diversion, or modification of normal traffic controls involve a materially different level of public safety planning, traffic engineering, and staff coordination across Police, Public Works, and other City departments. The current Municipal Code does not contain a dedicated permit chapter addressing this category of event; such events have historically been evaluated on an ad hoc basis or folded imprecisely into the Temporary Use Permit process, despite requiring a substantially different level of review.

Staff proposes creating new Chapter 17.70 (Special Event Permits), enacted under the authority of California Vehicle Code Section 21101(e), which authorizes local authorities to adopt rules and regulations providing for the temporary closure of a portion of a street for a

special event.

DISCUSSION

Purpose of the Distinction. Separating Special Event Permits from Temporary Use Permits reflects standard municipal practice: jurisdictions generally tier their event-permitting processes according to the level of public right-of-way impact and public safety planning an event requires, reserving lightweight administrative review for low-impact activities and a more structured permit process, with attendant lead time, fees, and interdepartmental coordination, for events affecting streets and traffic. This tiered approach serves several purposes. It allows the City to allocate Police, Public Works, and other staff resources in proportion to the actual complexity and public safety demands of a given event, rather than applying the same level of review to a small arts and crafts show and a citywide parade. It allows fee schedules to be aligned with the actual cost of processing and supporting each permit type, so that applicants for low-impact temporary uses are not burdened with costs associated with traffic control planning, and applicants for right-of-way events bear costs proportionate to the City resources their event requires. Finally, it gives residents and event organizers clarity, before they begin planning an event, as to which process applies to their event and what deadlines, fees, and requirements they should expect, reducing confusion and late-stage permit issues.

Section 17.70.010 — Statement of Purpose. This section establishes the chapter's legal basis under California Vehicle Code Section 21101(e) and defines a Special Event Permit as the mechanism by which members of the public may request use of, and closure of, a public right-of-way, including streets, roads, sidewalks, pedestrian paths, or alleys, to hold a special event. It requires that all Special Event Permit applications follow the City's Special Event Permit Policy, including applicable deadlines, fees, and other requirements, and comply with all permit conditions. Consistent with new Chapter 17.69, this section confirms that a Special Event Permit is not required for events that do not involve full or partial right-of-way closure, traffic diversion, or changes to normal traffic regulations or controls, ensuring the two chapters operate as complementary, non-overlapping permit tracks.

Section 17.70.020 — Events Requiring a Special Event Permit. This section lists categories of events that generally require a Special Event Permit, provided the event requires closure or partial closure of a public right-of-way, diversion of traffic, or modification of normal traffic controls: block parties and neighborhood gatherings, carnivals, community events, demonstrations, marches, and other public assemblies, festivals, funeral processions or memorial services, parades, sporting events, and a general catch-all for organized assemblies that travel in unison upon a public right-of-way and meet one of the listed impact criteria. This list mirrors and absorbs the parade and block party categories removed from the Temporary Use Permit chapter under Chapter 17.69, ensuring no gap in coverage between the two chapters.

Section 17.70.030 — Violation — Penalty. Including an enforcement provision in the new Special Event Permits chapter is consistent with the City's general practice of pairing permit-based regulatory chapters with a corresponding penalty for noncompliance, as seen elsewhere in the Municipal Code. Without an enforcement mechanism, conditions attached to a Special Event Permit, such as approved street closure boundaries, time limits, insurance and safety requirements, or crowd and traffic control measures, would be effectively unenforceable, undermining the purpose of requiring a permit in the first place.

An enforcement provision is particularly important for this chapter given the nature of the activity it regulates. Special Event Permits govern events that directly affect street closures,

traffic diversion, and public safety resource deployment. Noncompliance with permit conditions in this context, for example, an organizer exceeding an approved footprint, extending an event beyond its permitted hours, or failing to comply with required traffic control measures, carries a material public safety risk. A clear, tiered infraction penalty gives the City a proportionate enforcement tool and gives event organizers a clear incentive to comply with approved permit conditions, while remaining consistent with the escalating-fine structure used for permit violations elsewhere in the Code.

FISCAL IMPACT

None

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Addition 17.70
2. Attachment B - Ordinance No. 510

Special Events Permits:

Create:

Chapter 17.70 - Special Event Permits

17.70.010- Statement of Purpose.

This chapter is enacted pursuant to authority granted by Section 21101(e) of the California Vehicle Code to provide for the issuance of permits allowing members of the public to request the use of a public right-of-way (including, but not limited to, public streets, roads, sidewalks, pedestrian paths, or alleys) to hold a special event and to allow the closure of such public rights-of-way in the City of Clayton for the purpose of conducting a special event. Such a permit shall be known as a Special Event Permit. All requests for a Special Event Permit must follow the city's Special Event Permit Policy, including any applicable deadlines, fees and other requirements, and must comply with all Special Event Permit conditions. A Special Event Permit is not required for events that do not require any of the following: the full or partial closure of any public right-of-way, diversion of traffic, or changes to the normal or usual traffic regulations or controls.

17.70.020 – Events requiring a Special Event Permit.

The following list depicts the types of event that generally require a Special Event Permit, provided that it is necessary to close or partially close a public right-of-way, divert traffic, or modify the normal or usual traffic regulations or controls, to hold the event:

- A. Block parties and neighborhood gatherings
- B. Carnivals
- C. Community events
- D. Demonstrations, marches, and other public assemblies
- E. Festivals
- F. Funeral processions or memorial services
- G. Parades
- H. Sporting events
- I. Any other organized assembly of persons that assembles or travels in unison for any purpose, upon any city sidewalk, street, pedestrian path, alley, or other public right-of-way, and that either: (i) requires a full or partial closure of a public right-of-way; (ii) requires diversion of traffic; (iii) does not comply with normal or usual traffic regulations or controls; or (iv) is likely to impede, obstruct, impair or interfere with free use of a public street, road, sidewalk, pedestrian path, alley or other public right-of-way.

17.69.030 Violation - Penalty

Any violation of the provisions of a Special Event Permit, including any violation of the terms and conditions of a permit approved and issued in the manner provided by this chapter, shall be unlawful and punishable as an infraction. An infraction is punishable (1) by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same chapter within one (1) year of a prior infraction; (3) a fine not exceeding three hundred dollars (\$300.00) for each additional violation of the same chapter within one (1) year of two (2) or more prior infractions.

[Chapter amended by Ord. ___, § ___, 2026]

ORDINANCE NO. 510

AN ORDINANCE ADDING CHAPTER 17.70 TO THE CLAYTON MUNICIPAL CODE, ENTITLED "SPECIAL EVENT PERMITS," TO ESTABLISH A PERMIT PROCESS FOR EVENTS REQUIRING CLOSURE OF A PUBLIC RIGHT-OF-WAY, DIVERSION OF TRAFFIC, OR MODIFICATION OF NORMAL TRAFFIC CONTROLS

**THE CITY COUNCIL
City of Clayton, California**

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, the City is separately amending and renumbering its temporary use permit provisions as Chapter 17.69, thereby making Chapter 17.70 available for a distinct special event permit process; and

WHEREAS, events such as parades, block parties, festivals, and organized public assemblies that require full or partial closure of a public right-of-way, diversion of traffic, or modification of normal traffic controls require traffic planning, public safety review, and interdepartmental coordination beyond that required for low-impact temporary uses; and

WHEREAS, California Vehicle Code section 21101(e) authorizes local authorities to adopt rules and regulations providing for the temporary closure of a portion of a street for celebrations, parades, local special events, and other purposes when necessary for the safety and protection of persons using that portion of the street; and

WHEREAS, the City Council desires to establish a special event permit process for events affecting public rights-of-way and traffic.

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

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Addition of Clayton Municipal Code Chapter 17.70.

Chapter 17.70 is hereby added to the Clayton Municipal Code to read in its entirety as follows:

"Chapter 17.70 - Special Event Permits

17.70.010 - Statement of Purpose.

This chapter is enacted pursuant to authority granted by Section 21101(e) of the California Vehicle Code to provide for the issuance of permits allowing members of the public to request the use of a public right-of-way (including, but not limited to, public streets, roads, sidewalks, pedestrian paths, or alleys) to hold a special event and to allow the closure of such public rights-of-way in the City of Clayton for the purpose of conducting a special event. Such a permit shall be known as a Special Event Permit. All requests for a Special Event Permit must follow the City's Special Event Permit Policy, including any applicable deadlines, fees and

other requirements, and must comply with all Special Event Permit conditions. A Special Event Permit is not required for events that do not require any of the following: the full or partial closure of any public right-of-way, diversion of traffic, or changes to the normal or usual traffic regulations or controls.

17.70.020 - Events Requiring a Special Event Permit.

The following list depicts the types of event that generally require a Special Event Permit, provided that it is necessary to close or partially close a public right-of-way, divert traffic, or modify the normal or usual traffic regulations or controls, to hold the event:

- A. Block parties and neighborhood gatherings
- B. Carnivals
- C. Community events
- D. Demonstrations, marches, and other public assemblies
- E. Festivals
- F. Funeral processions or memorial services
- G. Parades
- H. Sporting events
- I. Any other organized assembly of persons that assembles or travels in unison for any purpose, upon any city sidewalk, street, pedestrian path, alley, or other public right-of-way, and that either: (i) requires a full or partial closure of a public right-of-way; (ii) requires diversion of traffic; (iii) does not comply with normal or usual traffic regulations or controls; or (iv) is likely to impede, obstruct, impair or interfere with free use of a public street, road, sidewalk, pedestrian path, alley or other public right-of-way.

17.70.030 - Violation - Penalty.

Any violation of the provisions of a Special Event Permit, including any violation of the terms and conditions of a permit approved and issued in the manner provided by this chapter, shall be unlawful and punishable as an infraction. An infraction is punishable (1) by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same chapter within one (1) year of a prior infraction; (3) a fine not exceeding three hundred dollars (\$300.00) for each additional violation of the same chapter within one (1) year of two (2) or more prior infractions.”

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Chapter 17.70, adopted in Section 2 of this Ordinance, to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 510 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 1, 2026

SUBJECT: Introduction and First Reading of Ordinance No. 511 Renumbering Chapter 17.70 of the Clayton Municipal Code, Entitled "Temporary Use Permits," as Chapter 17.69; Amending Sections 17.69.010 and 17.69.020; and Adding Section 17.69.070 to Establish Penalties for Violations of Temporary Use Permits

Recommendation: Open the public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

RECOMMENDATION

Staff recommends that the City Council: (1) Hold a public hearing; (2) Introduce and conduct first reading, by title only, of the attached ordinance renumbering Clayton Municipal Code Section 17.70 to 17.69, amending subsections .010 and .020 (Temporary Use Permits – Statement of Purpose and Conditionally Permitted Uses), and adding Section 17.69.070 (Violation – Penalty); and (3) schedule the ordinance for second reading and adoption at the next regular City Council meeting.

BACKGROUND

Chapter 17.70 of the Clayton Municipal Code, originally adopted in 1980 under Ordinance 204, establishes an administrative Temporary Use Permit (TUP) process for short-term land uses whose limited impact on surrounding properties does not warrant full Planning Commission review. The chapter currently occupies the 17.70 numbering slot within Title 17 (Zoning).

The City is separately developing a new Special Event Permit (SEP) ordinance intended to occupy Chapter 17.70. Because Special Event Permits are intended to function as a distinct, subservient category to the existing Temporary Use Permit process, and because Temporary Use Permits and Special Event Permits are meant to be distinguished by whether an event requires closure of a public right-of-way or diversion of traffic, staff proposes relocating the existing Temporary Use Permits chapter to the next available chapter number, 17.69, to make room for the new Special Event Permits chapter at 17.70.

In addition, staff's review of Chapter 17.70 found that, unlike other permit-based chapters of the Municipal Code, it does not currently contain an enforcement provision establishing a penalty for violation of an issued Temporary Use Permit or its conditions of approval. Staff proposes

adding such a provision as new Section 17.69.070, consistent with the infraction-based enforcement structure already used elsewhere in the City's Municipal Code for violations of permits and other regulatory chapters.

DISCUSSION

The proposed ordinance makes the following changes:

Chapter Renumbering. Chapter 17.70 (Temporary Use Permits) is renumbered in its entirety as Chapter 17.69, with all section numbers updated accordingly. This is an administrative renumbering only; it does not alter the substance of Sections 17.69.030 through 17.69.060, which carry forward unchanged from current Sections 17.70.030 through 17.70.060.

Section 17.69.010 — Statement of Purpose. Language is added clarifying that Temporary Use Permits are intended for uses or events that do not require full or partial closure of any public right-of-way, diversion of traffic, or changes to normal traffic regulations or controls, establishing a clear jurisdictional line between this chapter and the forthcoming Special Event Permit chapter.

Section 17.69.020 — Conditionally Permitted Uses. Parades and block parties involving street closures are removed from the list of uses eligible for administrative Temporary Use Permit approval, consistent with the revised statement of purpose in Section 17.69.010, since these uses inherently require street closures or traffic diversion and are more appropriately addressed under the forthcoming Special Event Permit ordinance.

New Section 17.69.070 — Violation — Penalty. The ordinance adds a new enforcement provision establishing that violation of a Temporary Use Permit, including violation of the terms and conditions of an issued permit, is unlawful and punishable as an infraction. The provision establishes a tiered fine schedule consistent with the escalating-penalty structure used elsewhere in the Municipal Code: a fine not exceeding \$100.00 for a first violation, not exceeding \$200.00 for a second violation of the same chapter within one year of a prior infraction, and not exceeding \$300.00 for each additional violation within one year of two or more prior infractions. This addition closes a gap in the current chapter, which does not otherwise specify a penalty for noncompliance with an issued permit's conditions of approval, and brings the Temporary Use Permit chapter into alignment with the enforcement approach already used in other permit-based chapters of the Code.

FISCAL IMPACT

None

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 17.70 to 17.69
2. Attachment B - Ordinance No. 511

Chapter 17.70 69 TEMPORARY USE PERMITS

Sections:

17.70 69.010 Statement of Purpose.

There are a number of land uses that are of such a temporary nature that their potential impact on adjoining properties and the community is either minimal or can be offset by administrative conditions of approval. Because of the short term nature of the uses, it is seldom necessary to process such applications as conventional use permits via the Planning Commission and it is often time consuming to do the same. The purpose of this chapter then is to permit certain temporary, or short term uses, subject to adequate bonding and other conditions of approval on an administrative basis. [Temporary Use Permits \(TUP\)](#) are to be used for events that do not require the full or partial closure of any public right-of-way; diversion of traffic; or changes to the normal or usual traffic regulations or controls.

~~(Ord. 204, § 1(part), 1980)~~

17.70 69.020 Conditionally Permitted Uses.

The following list depicts the types of temporary uses that are intended to be considered through this administrative process. Each such application must be specific as to intended use:

A. Arts and crafts shows;

~~B. Parades;~~

~~C~~ B. Carnivals and fairs;

~~D~~ C. Christmas tree lots;

~~E~~ D. Musical concerts;

~~F. Block parties (street closures);~~

~~G~~ E. Mobile Vendors (as specified and regulated in Section 17.36.084).

~~H~~ F. Other similar temporary uses.

~~(Ord. 204, § 1(part), 1980; Ord. 458, 2015)~~

17.70 69.030 Conditions of Approval.

In order to assure that the general health, safety and welfare of the community will be preserved with such temporary uses, conditions relating to each individual event may be imposed upon the applicant, including but not limited to:

- A. Bonding for police and maintenance services;
- B. Temporary parking and signing controls;
- C. Temporary fencing or barricades as necessary;
- D. Noise, dust and odor control;
- E. Limits on hours and days of operation;
- F. Others as needed.

~~(Ord. 204, § 1 (part), 1980)~~

17.70 69.040 Period of Time.

The maximum time period for any of these temporary use shall not exceed a combined total of forty-five (45) days, or more than four (4) individual events per calendar year for any individual applicant. If any temporary event exceeds these thresholds, Planning Commission approval of a Use Permit for the event shall be required.

The permit shall be applied for at least forty-five (45) days prior to the actual event

~~(Ord. 433, 2011)~~

17.70 69.050 Approval Process.

The applicant shall submit an application on the prescribed city form and a fee in such amount as may be fixed from time to time by resolution of the City Council. The matter shall be reviewed by the City Manager upon review and recommendation from the Chief of Police, Public Works Director, and Community Development Director. If the use is deemed to be a safe and appropriate temporary use of the land, at the discretion of the City Manager, it may be approved subject to conditions as described in Section 17.70 69.030.

If a Temporary Use Permit application is submitted for an event that, in the judgment of the Director, does not comply with the purpose of this chapter as stated above and violates the intent of this entitlement, the Director may refer the matter to the Planning Commission.

~~(Ord. 204, § 1 (part), 1980; Ord. 433, 2011)~~

17.70 69.060 Appeal Process.

Administrative denial of a temporary use permit may be appealed to the Planning Commission within five (5) days of notice of denial, said appeal to be heard at the next regular Planning Commission meeting. Appeals of Planning Commission action shall be the same as the conventional use permit process as set forth in Section 17.68.030.

~~(Ord. 204, § 1 (part), 1980)~~

17.69.070 Violation – Penalty

Any violation of the provisions of a Temporary Use Permit, including any violation of the terms and conditions of a permit approved and issued in the manner provided by this chapter, shall be unlawful and punishable as an infraction. An infraction is punishable (1) by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same chapter within one (1) year of a prior infraction; (3) a fine not exceeding three hundred dollars (\$300.00) for each additional violation of the same chapter within one (1) year of two (2) or more prior infractions.

[Chapter amended by Ord. ___, § ___, 2026]

ORDINANCE NO. 511

AN ORDINANCE RENUMBERING CHAPTER 17.70 OF THE CLAYTON MUNICIPAL CODE, ENTITLED "TEMPORARY USE PERMITS," AS CHAPTER 17.69; AMENDING SECTIONS 17.69.010 AND 17.69.020; AND ADDING SECTION 17.69.070 TO ESTABLISH PENALTIES FOR VIOLATIONS OF TEMPORARY USE PERMITS

**THE CITY COUNCIL
City of Clayton, California**

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, Chapter 17.70 of the Clayton Municipal Code establishes an administrative temporary use permit process for short-term land uses whose limited impacts do not warrant full Planning Commission review; and

WHEREAS, the City is separately establishing a special event permit process as Chapter 17.70, and therefore desires to renumber the existing temporary use permit provisions as Chapter 17.69; and

WHEREAS, temporary use permits and special event permits are intended to be distinguished by whether an event requires the full or partial closure of a public right-of-way, diversion of traffic, or changes to normal traffic regulations or controls; and

WHEREAS, parades and block parties involving street closures are more appropriately regulated through the City's special event permit process and should be removed from the list of uses eligible for administrative temporary use permit approval; and

WHEREAS, the existing temporary use permit chapter does not expressly establish a penalty for violation of an issued permit or its conditions of approval, and the City Council desires to add such a provision.

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

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Renumbering and Amendment of Clayton Municipal Code Chapter 17.70.

Chapter 17.70 titled "Temporary Use Permits" of the Clayton Municipal Code is hereby renumbered as Chapter 17.69 and amended to read as follows:

"Chapter 17.69 - Temporary Use Permits

17.69.010 - Statement of Purpose.

There are a number of land uses that are of such a temporary nature that their potential impact on adjoining properties and the community is either minimal or can be offset by administrative conditions of approval. Because of the short term nature of the uses, it is seldom necessary to process such

applications as conventional use permits via the Planning Commission and it is often time consuming to do the same. The purpose of this chapter then is to permit certain temporary, or short term uses, subject to adequate bonding and other conditions of approval on an administrative basis. Temporary Use Permits (TUP) are to be used for events that do not require the full or partial closure of any public right-of-way; diversion of traffic; or changes to the normal or usual traffic regulations or controls.

17.69.020 - Conditionally Permitted Uses.

The following list depicts the types of temporary uses that are intended to be considered through this administrative process. Each such application must be specific as to intended use:

- A. Arts and crafts shows;
- B. Carnivals and fairs;
- C. Christmas tree lots;
- D. Musical concerts;
- E. Mobile Vendors (as specified and regulated in Section 17.36.084).
- F. Other similar temporary uses.

17.69.030 - Conditions of Approval.

In order to assure that the general health, safety and welfare of the community will be preserved with such temporary uses, conditions relating to each individual event may be imposed upon the applicant, including but not limited to:

- A. Bonding for police and maintenance services;
- B. Temporary parking and signing controls;
- C. Temporary fencing or barricades as necessary;
- D. Noise, dust and odor control;
- E. Limits on hours and days of operation;
- F. Others as needed.

17.69.040 - Period of Time.

The maximum time period for any of these temporary use shall not exceed a combined total of forty-five (45) days, or more than four (4) individual events per calendar year for any individual applicant. If any temporary event exceeds these thresholds, Planning Commission approval of a Use Permit for the event shall be required.

The permit shall be applied for at least forty-five (45) days prior to the actual event.

17.69.050 - Approval Process.

The applicant shall submit an application on the prescribed city form and a fee in such amount as may be fixed from time to time by resolution of the City Council. The matter shall be reviewed by the City Manager upon review and recommendation from the Chief of Police, Public Works Director, and Community Development Director. If the use is deemed to be a safe and

appropriate temporary use of the land, at the discretion of the City Manager, it may be approved subject to conditions as described in Section 17.69.030.

If a Temporary Use Permit application is submitted for an event that, in the judgment of the Director, does not comply with the purpose of this chapter as stated above and violates the intent of this entitlement, the Director may refer the matter to the Planning Commission.

17.69.060 - Appeal Process.

Administrative denial of a temporary use permit may be appealed to the Planning Commission within five (5) days of notice of denial, said appeal to be heard at the next regular Planning Commission meeting. Appeals of Planning Commission action shall be the same as the conventional use permit process as set forth in Section 17.68.030.

17.69.070 - Violation - Penalty.

Any violation of the provisions of a Temporary Use Permit, including any violation of the terms and conditions of a permit approved and issued in the manner provided by this chapter, shall be unlawful and punishable as an infraction. An infraction is punishable (1) by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same chapter within one (1) year of a prior infraction; (3) a fine not exceeding three hundred dollars (\$300.00) for each additional violation of the same chapter within one (1) year of two (2) or more prior infractions.”

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Chapter 17.69, adopted in Section 2 of this Ordinance, to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 511 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Kris Lofthus, City Manager

DATE: September 1, 2026

SUBJECT: Consider options to address Truck Traffic on Mitchell Canyon Road, Near Mt. Diablo Elementary School During School Drop-Off and Pick-Up Times

Recommendation: Receive Direction After Discussing Truck Traffic Near Mt. Diablo Elementary School During School Drop-Off and Pick-Up Times.

RECOMMENDATION

Receive Direction After Discussing Truck Traffic Near Mt. Diablo Elementary School During School Drop-Off and Pick-Up Times.

BACKGROUND

The City has concerns regarding truck traffic traveling in the vicinity of Mt. Diablo Elementary School during morning student drop-off and afternoon pick-up periods. During these relatively short periods, the area experiences increased vehicle and pedestrian activity as parents transport students and students and families walk or bicycle to and from school.

The combination of increased traffic, large commercial vehicles, pedestrians, bicyclists, and limited pedestrian infrastructure creates potential safety concerns that warrant City Council discussion.

Of particular concern is the lack of continuous sidewalks along portions of the routes used by students and families traveling to and from school. Where sidewalks are unavailable, pedestrians may be required to walk along roadway shoulders or in areas immediately adjacent to vehicle travel lanes. The presence of large trucks during these periods can further reduce the separation between pedestrians and moving vehicles and may affect visibility for pedestrians and motorists. The city is near the completion of the design phase of a sidewalk project on Mitchel Canyon, between Four Oaks Lane and Pine Hallow Road.

DISCUSSION

Providing safe routes for students and families traveling to and from school is an important community priority. While truck traffic serves legitimate commercial, construction, delivery, and service needs, the timing and routing of larger vehicles through areas experiencing concentrated school-related pedestrian activity may create opportunities for additional safety measures.

Large trucks have operating characteristics that differ significantly from passenger vehicles, including longer stopping distances, wider turning movements, and larger blind spots. These characteristics can be particularly important in areas where children and families are walking near the roadway without the benefit of a continuous sidewalk.

School arrival and dismissal also create unique traffic conditions. Vehicle volumes increase significantly during relatively short periods, vehicles frequently enter and exit school facilities and nearby streets, and pedestrians may cross at multiple locations. The addition of truck traffic during these peak periods may contribute to congestion and increase conflicts among vehicles, pedestrians, and bicyclists.

Currently vehicles exceeding 3 tons are not permitted to travel on Mitchel Canyon Rd. prior to 7:00 a.m.

The City Council may wish to consider whether reasonable measures can reduce these conflicts while recognizing the need to maintain access for deliveries, construction activities, emergency vehicles, utilities, and other necessary services.

Possible Solutions Include:

1. Commercial Truck Time Restrictions. Evaluate whether truck traffic could be restricted or discouraged on designated streets near the school during established morning drop-off and afternoon pick-up periods, subject to applicable legal requirements and necessary exemptions.
2. Voluntary Coordination. Work with local businesses, contractors, delivery companies, construction projects, and other frequent truck operators to voluntarily avoid designated school routes during peak arrival and dismissal periods.
3. Pedestrian Improvements. Identify opportunities for interim and long-term pedestrian improvements, including sidewalks, pathways, shoulder improvements, enhanced crossings, signage, striping, or other measures that could provide greater separation between pedestrians and vehicles.

FISCAL IMPACT

Unknown at this time

CEQA IMPACT

Exempt from CEQA.

ATTACHMENTS

None