



AGENDA
CITY OF NORCO
CITY COUNCIL
SUCCESSOR AGENCY TO THE NORCO COMMUNITY REDEVELOPMENT AGENCY

August 21, 2013

City Council Chambers
2820 Clark Avenue, Norco, CA 92860

Kathy Azevedo, Mayor
Berwin Hanna, Mayor Pro Tem
Kevin Bash, Council Member
Herb Higgins, Council Member
Harvey C. Sullivan, Council Member

CALL TO ORDER: 6:00 p.m.

ROLL CALL:

THE SUCCESSOR AGENCY WILL RECESS TO CLOSED SESSION (SECTION 54954)
TO CONSIDER MATTERS:

Section 54956.9 – Conference with Legal Counsel – Existing Litigation

Case Name: Successor Agency vs. Jeffrey D. Wilhelm and Jeffrey D. Wilhelm, LLC
Case Number: RIC 10008244

RECONVENE PUBLIC SESSION: 7:00 p.m.

REPORT OF ACTION(S) TAKEN IN CLOSED SESSION (§54957.1)
City Attorney

PLEDGE OF ALLEGIANCE: Council Member Bash

INVOCATION: Beacon Hill Assembly of God
Pastor Rene Parish

RECOGNITIONS: Retirement of Norco UPS Driver -- Kathy Bamber
Individuals that Completed the Community
Emergency Response Team (CERT) Program

SILVERLAKES EQUESTRIAN & SPORTS PARK UPDATE:

CITY COUNCIL COMMUNICATIONS / REPORTS ON REGIONAL BOARDS AND COMMISSIONS:

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No.2 of the Agenda.)*
 - A. City Council Minutes:
Regular Meeting of August 7, 2013
Recommended Action: **Approve the City Council Minutes** (City Clerk)
 - B. Recap of Actions Taken of the Planning Commission Meeting of August 14, 2013. **Recommended Action: Receive and File** (Planning Director)
 - C. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
 - D. Resolution Confirming the Mayor's Appointment of One Member to Replace Andy Okoro on the Oversight Board of the Successor Agency to the Norco Community Redevelopment Agency. **Recommended Action: Adopt Resolution No. 2013-55, confirming the Mayor's appointment of Brian Petree, representing the employees of the Agency, to serve on the Oversight Board.** (City Clerk)
 - E. Acceptance of a Donation from the American Youth Soccer Organization (AYSO) Region 37 in the Amount of \$5,860 and Approval of a Resolution to Amend the FY 2014 General Fund Budget. **Recommended Action: Accept the donation from the AYSO Region 37 in the amount of \$5,860 and adopt Resolution No. 2013-56, amending the FY 2014 General Fund Budget.** (Director of Parks, Recreation & Community Services)
 - F. Approval of the Vacation of Cota Street between Parkridge Avenue and Hamner Avenue. **Recommended Action: Adopt Resolution No. 2013-57, approving the vacation of Cota Street; and, direct the City Clerk to send the executed resolution to be recorded.** (Public Works Director)
2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:

3. **LEGISLATIVE MATTER: (No new evidence will be heard from the public as the public hearing has been closed regarding the item listed.)**

- A. **Code Change 2013-03 (City of Norco):** An Ordinance of the City Council of the City of Norco Establishing Prima Facie Speed Limits on Certain Streets in the City of Norco, and Amending Chapter 10.12.010 through 10.12.030 of the Norco Municipal Code. **Recommended Action: Adopt Ordinance No. 963.** (City Clerk)

4. **CITY COUNCIL ACTION ITEM:**

- A. Approval of Wild Animal Permit NWAP 2013-01, Trevor Santochi, 3925 Mt. Shasta, Norco, California. **Recommended Action: Approve Wild Animal Permit NWAP 2013-01 for an Artic Gyrfalcon.** (Director of Parks, Recreation & Community Services)

5. **CITY COUNCIL PUBLIC HEARINGS:**

- A. Public Hearing Confirming Costs for Spring Weed Abatement

The 2013 Spring Weed Abatement Report of Costs lists property owners whose vacant parcels were abated by the Fire Department's weed abatement contractor for the 2013 Spring Weed Abatement Program. After Council adopts the Resolution, property owners will be invoiced for payment of the abatement.

Recommended Action: Adopt Resolution No. 2013-58, confirming the report of costs for abatement of weeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City. (Fire Chief)

- B. **Zone Code Amendment 2013-03 (City of Norco):** A City Initiated Proposal to Amend Title 18 "Zoning" of the Norco Municipal Code, Chapter 18.02 – Definitions", Section 18.31.08 - "Yard Requirements – Walls, Fences and Structures in Setback Areas" and Section 18.38.22 -"On-site Location of Parking Facilities", to Address/Revise the Definitions of Vehicles and Trailers, and to Address Vehicle and Trailer Parking in Residential Zones.

Zone Code Amendment 2013-03 is a City-initiated proposal to amend Title 18 (Zoning) of the Norco Municipal Code to address/revise the definitions of vehicles and trailers, and to address vehicle and trailer on-site parking in residential zones.

Recommended Action: Adopt Ordinance No. 964 for first reading. (Planning Director)

- 6. PUBLIC COMMENTS OR QUESTIONS - THIS IS THE TIME WHEN PERSONS IN THE AUDIENCE WISHING TO ADDRESS THE CITY COUNCIL REGARDING MATTERS NOT ON THE AGENDA MAY SPEAK. PLEASE BE SURE TO COMPLETE THE CARD IN THE BACK OF THE ROOM AND PRESENT IT TO THE CITY CLERK SO THAT YOU MAY BE RECOGNIZED.
- 7. CITY MANAGER / STAFF COMMUNICATIONS:
- 8. ADJOURNMENT:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office, (951) 270-5623. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

Staff reports are on file in the Office of the City Clerk. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be available for public inspection at the City Clerk's Counter in City Hall located at 2870 Clark Avenue.

Please note that this meeting is being recorded. In accordance with Roberts Rules of Order, Norco City Council meeting minutes are a record of the actions taken, not what was said. The names of persons who spoke during the public comments section and their topics will be listed on the Minutes. Recordings of meetings may be purchased for a minimal cost by contacting the office of the City Clerk.



MINUTES
CITY OF NORCO
CITY COUNCIL

August 7, 2013

City Council Chambers
2820 Clark Avenue, Norco, CA 92860

Kathy Azevedo, Mayor
Berwin Hanna, Mayor Pro Tem
Kevin Bash, Council Member
Herb Higgins, Council Member
Harvey C. Sullivan, Council Member

CALL TO ORDER: Mayor Azevedo called the meeting to order at 7:00 p.m.

ROLL CALL: Mayor Kathy Azevedo, **Present**
Mayor Pro Tem Berwin Hanna, **Present**
Council Member Kevin Bash, **Present**
Council Member Herb Higgins, **Present**
Council Member Harvey C. Sullivan, **Present**

PLEDGE OF ALLEGIANCE: Council Member Sullivan

INVOCATION: Grace Fellowship Church
Pastor Vernie Fletcher

INTRODUCTION: Melvin Sparks III, Sr. Animal Control Officer

Animal Control Superintendent Frank Scagnamiglio introduced Mr. Sparks.

ANNOUNCEMENT: Proclamation of August 10, 2013 as
"Fast Jack" Beckman Day

Mayor Azevedo provided information regarding "Fast Jack" Beckman Day to be held at Browning Dodge on August 10th from 11 a.m. to 1 p.m.

INTRODUCTIONS: 2013 Miss Norco Contestants

Mayor Azevedo introduced the seven 2013 Miss Norco Horsetown USA contestants.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR ITEMS:

M/S Sullivan/Hanna to adopt the items as recommended on the City Council Consent Calendar. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

- A. City Council Minutes:
Regular Meeting of July 17, 2013
Recommended Action: Approve the City Council Minutes (City Clerk)
- B. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
- C. Approval of a Contract to Purchase a ShorTel Telephone System Using the State of California Department of General Services California Multiple Award Schedule (CMAS). **Recommended Action: Award a contract to purchase a ShorTel telephone system from IntelesysOne, using the State of California DGS CMAS in the amount of \$86,569.64; and, authorize the City Manager to sign the contract.** (IT Manager)
- D. Acceptance of the Traffic Signal at Hamner Avenue and Detroit Street project as Complete. **Recommended Action: Accept the Traffic Signal at Hamner Avenue and Detroit Street Project as complete and authorize the City Clerk to file the Notice of completion with the County Recorder's Office.** (Public Works Director)
- E. Execution of a Cooperative Agreement with the City of Corona for Traffic Signal Improvements at the Intersection of Parkridge Avenue and Lincoln Avenue/First Street. **Recommended Actions: Approve the Agreement, subject to non-substantive changes, and authorize the City Manager to execute the Agreement.** (Public Works Director)
- F. Acceptance of the Dedication of a Public Utility Easement over a Portion of Cota Street (Gilani). **Recommended Action: Accept the Dedication of Easement for Public Utility Purposes.** (Public Works Director)
- G. Acceptance of the Dedication of a Public Utility Easement over a Portion of Cota Street (OMNI Norco, LLC). **Recommended Action: Accept the Dedication of Easement for Public Utility Purposes.** (Public Works Director)

- H. Acceptance of the Dedication of a Public Utility Easement over a Portion of Cota Street (ASTA Properties, LLC and STRATA Realty, LLC). **Recommended Action: Accept the Dedication of Easement for Public Utility Purposes.** (Public Works Director)
- 2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
- 3. CITY COUNCIL DISCUSSION / ACTION ITEM:
 - A. Consideration of Appointments to the Historic Preservation Commission. **Recommended Actions: Staff recommends that the City Council appoint two individuals to serve on the Historic Preservation Commission effective August 8, 2013.** (City Clerk)

Linda Dixon. Ms. Dixon, as a member of the Commission, spoke in support of the City Council appointing Su Bacon and Pat Overstreet.

Pat Overstreet. Ms. Overstreet spoke in support of the Commission and noted her desire and honor to serve on it.

Mayor Kathy Azevedo voted for Susan Bacon and Patricia Overstreet
Mayor Pro Tem Berwin Hanna voted for Susan Bacon and Patricia Overstreet
Council Member Kevin Bash voted for Susan Bacon and Patricia Overstreet
Council Member Herb Higgins voted for Susan Bacon and Patricia Overstreet
Council Member Harvey C. Sullivan voted for Susan Bacon and Terri Jacquemain

Therefore, Susan Bacon and Patricia Overstreet are hereby appointed to serve on the Historic Preservation Commission effective August 8, 2013.

- B. Approval of a City of Norco Towing Company Rotation Administrative Policy. **Recommended Action: Approve the Sheriff's Department/City of Norco Towing Company Rotation Administrative Policy.** (Lt. Hedge)

Lt. Hedge presented information regarding the proposed Administrative Policy.

City Manager Okoro stated that the formal policy is being adopted so that what has taken place in the past with no policy will not happen again. He noted that the towing companies need to be in compliance with all CUP requirements in order to remain on the rotation list.

Council Member Sullivan received confirmation from Lt. Hedge that the towing company needs to be located in Norco, as stated in the Administrative Policy.

Joe Fernandes. Mr. Fernandes commented on the three legal tow services located in the City, noting his support of the Administrative Policy. He further spoke against the grandfathering in of any companies.

Karen Leonard. Ms. Leonard commented on the companies without a facility located in the Norco, asking if they need a City business license. In response, City Manager Okoro noted that they do require a business license.

Council Member Higgins commented on the heated discussions that took place in 2003, noting his concerns regarding the enforcements of the conditional use permits issued. He further commented on his support of only using City-located towing companies on the rotation.

Council Member Sullivan asked staff to review the CUPs issued to the City towing companies and what they are towing. He further commented on Advanced Towing, asking if they had a CUP, and noting that they were issued a business license without having a CUP.

Mayor Pro Tem Hanna asked if Advance Towing has a CUP. In response, Director King stated that they did not, as they moved to that location for office purposes. Mayor Pro Tem Hanna stated that if they operate in town they need to get a CUP and be legal. He noted his support for only using towing companies located in the City on the rotation list, and asked who will monitor the requirement of the Policy.

Ramin Arabshaw. Mr. Arabshaw, from Advanced Towing, stated that in 2005-2006 he was given a conditional use permit that was grandfathered in. He noted that he made sure they were legal before moving the business to Norco. Council Member Higgins stated that the CUP was not in their name, the CUP was in the past owners name and was grandfathered in and requested the paper work from Mr. Arabshaw.

Mayor Azevedo commented on the CUP letters going to the appropriate persons for enforcement purposes. She further commented on the diesels being towed into the City, noting other locations on Hamner that may not be in compliance with the City. She further commented on why we would want any more towing yards in the City.

Council Member Bash commented on his concerns to protect the businesses located in Norco.

M/S Bash/Higgins to approve the Administrative Policy; give 90 days to the towing companies to have an office and storage facility in the City of Norco and comply with the City's CUP requirements; and direct staff to prepare a discussion regarding a moratorium on towing companies in the City and future Cup requirements.

Under discussion:

Mayor Azevedo asked how towing companies are assigned on the rotation list. In response, Lt. Hedge stated that they need to meet the 20 minute response requirement or they move to the next business on the list. Lt. Hedge clarified that the requirements that are followed are through the Jurupa Station.

The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

- C. Execution of an Interagency Agreement between the City of Norco, the Chino Desalter Authority, and Western Municipal Water District Regarding the Construction of Potable Water and Wastewater System Facilities Located Within or Connected to Facilities in the Detroit Street Bridge. **Recommended Actions: Approve the Agreement, subject to non-substantive changes, and authorize the City Manager to execute the Agreement. (Water/Sewer Manager)**

Bill Thompson, City of Norco Water/Sewer Manager, presented information regarding the Agreement.

The City Council Members complimented Mr. Thompson on his efforts on maintaining the City's water system.

M/S Bash/Higgins to approve the Agreement, subject to non-substantive changes, and authorize the City Manager to execute the Agreement. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

4. CITY COUNCIL PUBLIC HEARINGS:

- A. **Zone Code Amendment 2013-01 and Code Amendment 2013-01 (City of Norco):** Chapters 18.32 and 10.16 of the Norco Municipal Code Regarding the Travel, Use, and Parking of Commercial Vehicles and Trailers in Residential Zones, and Along City Streets. **Recommended Action: That the Public Hearing be canceled due to the publishing of the aforementioned title, which was incorrect. (Planning Director) NO ACTION REQUIRED**

- B. **Code Change 2013-03 (City of Norco):** An ordinance of the City Council of the City of Norco Establishing Prima Facie Speed Limits on Certain Streets in the City of Norco, and Amending Chapter 10.12.010 through 10.12.030 of the Norco Municipal Code.

As required by State law, a "Engineering and Traffic Survey" report dated July 2013, was prepared by Albert Grover and Associates of the City's primary arterial, collector and local street network for the purpose of establishing prima facie speed limits. Based on the survey report, all existing speed limits throughout the City previously surveyed will remain unchanged. Five additional new street segments were surveyed and speed limits established.

Recommended Action: Adopt Ordinance No. 963 for first reading.
(City Engineer)

City Engineer Milano presented the public hearing item for City Council consideration.

Mayor Azevedo OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Mayor Azevedo CLOSED the public hearing.

Council Member Higgins noted that when Assemblyman Pacheco was serving, he requested the consideration for the 25 mph in Norco, which was a landmark for the City.

Mayor Azevedo commented on her concerns with the 50 mph speed limit on Norco Hills Road, Hidden Valley Pkwy to Valley Drive; and the 35 mph speed limit on Valley Drive, Country Club Drive to Fresian Street. In response, Mark Miller, representing Albert Grover & Associates, stated that the 50 mph is consistent with the City of Corona, and is a continuity of the speed. He added that he believes that the 50 mph is appropriate, as there is no blatant accident history. Mr. Miller stated that in regards to Valley Drive, 35 mph is the appropriate speed, adding that the segment of road does not have homes on both sides of the street.

In response to **Council Member comments**, Mr. Milano stated that additional speed limit signs will be posted and placed in the correct and/or additional places throughout the City.

M/S Sullivan/Bash to adopt Ordinance No. 963 for first reading. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

5. PUBLIC COMMENTS OR QUESTIONS:

Julie Waltz. Ms. Waltz commented on her concerns regarding a tree located on Bluff Street.

Ted Hoffman. Mr. Hoffman complimented City staff for the clean-up completed in LMD No. 4. He also stated that he appreciated the utility bill insert regarding the cost breakdown information.

6. CITY COUNCIL ANNOUNCEMENTS / REPORTS ON REGIONAL BOARDS AND COMMISSIONS / FUTURE AGENDA ITEM(S) RECOMMENDATIONS:

Mayor Pro Tem Hanna:

- Noted that Riverside County has a case of West Nile Virus.
- Asked who is responsible to get rid of weeds in the flood control channel. In response, Public Works Director Askew stated that it is Riverside Flood Control's responsibility.
- Reported on a Riverside Transit Authority meeting he attended and the new free ride pass regulations for veterans, active military, and police and fire personnel.
- Reported on a Western Riverside Council of Governments meeting he attended, at which time they approved the TUMF reimbursement to the County for the Santa Ana Bridge project in the amount of \$250,000.
- Recommended, and received consensus from all of the City Council Members, to move this section of the Agenda to the beginning of the Agenda, just before the consent calendar.

Council Member Higgins:

- Commented on the list provided regarding parking citations issued, noting that he does not like it, adding his concerns and stating that ultimately the City will need to have Norco Citizens on Patrol issue citations.

M/S Higgins/Bash to agendaize a future discussion regarding the City creating a program to assist seniors. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Council Member Sullivan:

- Commented on Riverside Transit Authority (RTA) veterans, active military, and police and fire personnel discounts that have been approved. He noted that the RTA busses that are no longer needed are donated to charitable organizations, adding that one just donated to the American Legion for trips to Loma Linda.

Mayor Azevedo:

- Thanked the Day of the Cowboy committee for its efforts.
- Commented on attending and speaking at the Draft EIR comment meeting held in regards to the Norco CRC at which time concerns were noted by City Council Members and residents. She received consensus from the City Council Members to prepare a letter to the legislators in regards to the surplussing of the Norco CRC property.

7. CITY MANAGER / STAFF COMMUNICATIONS AND ANNOUNCEMENTS:

- A. Report on the Group Home Located at the Residence on Broken Arrow Street. (City Manager)

City Manager Okoro presented information as stated in the staff report regarding the group home on Broken Arrow Street.

City Attorney Harper stated that cities are precluded by statute to have jurisdiction to oppose group home regulations.

Julie Waltz. Ms. Waltz questioned the stated number of employees that work in the group home. She noted that all she is asking is that they abide by the law, noting that they are disturbing the peace. She also questioned the five (5) calls for service responded by the Fire Department and noted that she has a copy of the 2010 Coroner's Report following a death at the group home. She further commented on her concerns regarding the abuse going on at the group home.

Council Member Sullivan asked if the City was aware of this. In response, Lt. Hedge noted that he is not in liberty to discuss the report or the situation.

City Attorney Harper further commented on the State's legal authority and responsibilities, as well as the City's responsibilities and enforcement rights.

Garret Cozart. Mr. Cozart asked about the calls received regarding disturbing the peace and if the City has done anything about them.

Su Gilliam. Ms. Gilliam commented on the calls received and made to the Sheriff's Department through the Neighborhood Watch Program on Broken Arrow Street. She noted that rocks are thrown at her granddaughter and she is told that the Sheriff's Department cannot do anything about it, adding that her granddaughter is scared.

M/S Higgins/Bash to direct staff to send a letter to the regulatory agencies regarding the issues at the group home, including the enclosure of a CD of tonight's minutes, and direct Lt. Hedge to bring back a report regarding the actual calls for service to this location.

Lt. Hedge noted that the Sheriff's Department staff would be available to meet with any state officials regarding any necessary investigations or discussions regarding calls responded to.

The motion was carried by the following roll call vote:

**AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE**

8. **ADJOURNMENT:** There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 9:26 p.m.

**BRENDA K. JACOBS, CMC
CITY CLERK**



**RECAP OF ACTIONS TAKEN
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
AUGUST 14, 2013**

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Vice Chair Leonard, Commission Members Henderson, Jaffarian and Wright; Chair Hedges absent.

STAFF PRESENT: Planning Director King, Senior Planner Robles, Public Works Director Askew and Deputy City Clerk Germain

PLEDGE OF ALLEGIANCE: Commission Member Leonard

1. APPEAL NOTICE: Read by staff
2. PUBLIC COMMENTS: None
3. APPROVAL OF MINUTES:
 - ❖ Minutes of Regular Meeting on July 10, 2013
 - Recommended Action: Approval (Deputy City Clerk) Approved 4-0
4. PUBLIC HEARINGS:
 - A. Conditional Use Permit 2012-03 (Planck/International Fellowship of Churches, Inc.; IMF World Missions & International Missions Fellowship): A request for approval to allow a church campus to include the construction of a 6,136 square-foot main church building and the use of an existing building, on four parcels (APN 129-180-010, -011, -012, -013. All parcels are located on the south side of Second Street, between Parkridge and Western Avenues within the A-1-20 Zone. Recommended Action: Approval (Senior Planner): **Action: Continued 4-0 to the meeting of November 13, 2013 to allow the applicant time to address follow-up issues and questions brought up during the hearing.**
 - B. Tentative Parcel Map 36552 (Mehta): A request for approval of a subdivision of land that is 1.14 acres into two parcels for residential uses located at 4520 Center Street within the A-1-20 Zone. Recommended Action: Approval (Senior Planner)
Action: Adopted Resolution 2013-26 (4-0) recommending approval to the City Council. This item requires a public hearing and will be scheduled before the next available City Council meeting.

- C. Conditional Use Permit 2013-05 (Sparks): A request for approval to allow truck mechanic training school at 1820 Town & Country Drive located within the M-1 (Heavy Commercial/Light Manufacturing) Zone. Recommended Action: Approval (Senior Planner):
Action: Approved 4-0. This action is final unless appealed to the City Council.

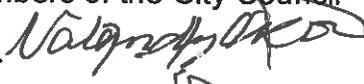
 - D. Housing Element Recommended Action: Continue to September 11, 2013 regular meeting. (Planning Director):
Action: Continued 4-0 to September 11, 2013

 - E. Zone Code Amendment 2013-14 (City of Norco): Amending Chapter 18.64 "Housing Development Overlay" and Adding Chapter 18.65 "Residential Density Bonus Provisions" to the Norco Municipal Code. Recommended Action: Approval to the City Councils (Planning Director):
Action: Adopted Resolution 2013-28 (4-0) recommending approval to the City Council. This item requires a public hearing and will be scheduled for the next available City Council meeting.
5. BUSINESS ITEMS:
- A. Site Plan 2013-14 (Schmidt): A request for approval to allow an accessory building consisting of a 288 square-foot shed at 2260 Alhambra Street located within the A-E (Agricultural Estate) Zone. **Recommended Action: Approval** (Senior Planner):
Action: Approved 4-0. This action is final unless appealed to the City Council.

 - B. Draft C-4 Zone Recommended Action: Continue (Planning Director):
Action: Continued off-calendar 4-0
6. CITY COUNCIL MINUTES: Available on the City of Norco website:
http://www.norco.ca.us/depts/city_council/minutes.asp
- City Council Minutes of July 17, 2013
7. PLANNING COMMISSION: None
- a. Oral Reports from Various Committees
 - b. Request for Items on Future Agenda (within the purview of the Commission)
8. ADJOURNMENT: 9:07 p.m.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: August 7, 2013

SUBJECT: Resolution Confirming the Mayor's Appointment of One Member to Replace Andy Okoro on the Oversight Board of the Successor Agency to the Norco Community Redevelopment Agency

RECOMMENDATION: Adopt **Resolution No. 2013-55**, approving the Mayor's appointment of Brian Petree to serve as the member on the Oversight Board representing the employees of the Agency.

SUMMARY: On March 7, 2012, the City Council confirmed the Mayor's appointment of Andy Okoro to represent the employees of the former Norco Community Redevelopment Agency on the Oversight Board to the Successor Agency of the Norco Community Redevelopment Agency. As Andy Okoro was appointed to serve as the City's City Manager, the City Council is now recommended to appoint Brian Petree, Director of Parks, Recreation and Community Services, to serve in his place on the Oversight Board representing the employees of the former Norco Community Redevelopment Agency.

BACKGROUND/ANALYSIS: Assembly Bill 1484 mandates that each Successor Agency shall have an Oversight Board composed of seven members. The City Council, acting as the Successor Agency to the Norco Community Redevelopment Agency, are not members of the Oversight Board; however, according to legislation, the Mayor is required to make two appointments to the Oversight Board that will serve to be the best representatives of the Agency. On March 7, 2012, Kevin Bash was appointed to the Oversight Board representing the City, and Andy Okoro was appointed to the Oversight Board representing the employees of the Agency.

On July 17, 2013, Andy Okoro was appointment to serve as City Manager for the City of Norco and will also be serving as the Executive Director of the Successor Agency to the Norco Community Redevelopment Agency. Therefore, his replacement on the Oversight Board is now required.

Staff recommends that the City Council approve the Mayor's appointment of Brian Petree, Director of Parks, Recreation and Community Services, to the Oversight Board to replace Andy Okoro. Mr. Petree will represent the employees of the former Norco Community Redevelopment Agency.

FINANCIAL IMPACT: NA

Attachment: Resolution No. 2013-55

RESOLUTION NO. 2013-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, CONFIRMING THE MAYOR'S APPOINTMENT OF ONE MEMBER TO THE OVERSIGHT BOARD REPRESENTING THE EMPLOYEES OF THE AGENCY

WHEREAS, the Oversight Board is to be comprised of seven political appointees from affected local taxing entities and the community that established the redevelopment agency, including one member to be appointed by the Mayor representing the employees of the former redevelopment agency; and

WHEREAS, on March 7, 2012, the City Council confirmed the Mayor's appointment of Andy Okoro to represent the employees of the former Norco Community Redevelopment Agency on the Oversight Board to the Successor Agency of the Norco Community Redevelopment Agency; and

WHEREAS, on July 18, 2013, Andy Okoro began his appointment of City Manager for the City of Norco and will be serving as the Executive Director of the Successor Agency to the Norco Community Redevelopment Agency and therefore his replacement on the Oversight Board is required.

NOW, THEREFORE, BE IT RESOLVED, ordered, and determined by the City Council of the City of Norco as follows:

SECTION 1. Confirmation of Mayoral Appointments. The City Council hereby confirms the Mayor's appointment of Brian Petree, Director of Parks, Recreation and Community Services, to serve as the representative for the employees of the former Norco CRA.

SECTION 2. Implementation. The City Council hereby authorizes and directs the City Manager to take any action and execute any documents necessary to carry out the purposes of this Resolution, including but not limited to, providing notice of the adoption of this Resolution and the Mayor's appointment of the above-named representatives to the Oversight Board, to the Riverside County Auditor-Controller, the Controller of the State of California, and the California Department of Finance.

SECTION 3. Certification. The City Clerk shall certify to the adoption of this Resolution.

SECTION 4. Effective Date. This Resolution shall become effective upon its adoption.

Resolution No. 2013-55

Page 2

August 21, 2013

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on August 21, 2013.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California do hereby certify that the foregoing Resolution was introduced and adopted by the City Council of the City of Norco at a regular meeting held on August 21, 2013 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on August 21, 2013.

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Brian K. Petree, Director
Department of Parks, Recreation and Community Services

DATE: August 21, 2013

SUBJECT: Acceptance of a Donation from the American Youth Soccer Organization (AYSO) Region 37 in the amount of \$5,860 and Approval to Amend the FY 2014 General Fund Budget

RECOMMENDATION: Accept the donation from the AYSO Region 37 in the amount of \$5,860 and adopt **Resolution No. 2013-56**, amending the FY 2014 General Fund Budget.

SUMMARY: The Department of Parks, Recreation and Community Services is requesting City Council authorization to accept a donation from American Youth Soccer Organization (AYSO) Region 37 in the amount of \$5,860 to fund the replacement of the horse trail fence and pedestrian entrance improvements to the Shearer Sports Complex. This contribution is possible as a result of the ongoing partnership between AYSO Region 37 and the City of Norco.

BACKGROUND/ANALYSIS: Existing horse trail fencing along the south end of Shearer Sports Complex and pedestrian entrance gates that lead into the turf area at the facility just south of Fire Station No. 57 have deteriorated and are in need of repair/replacement (Exhibit "A"). AYSO Commissioner Bill Braun approached staff with an offer to allow AYSO Region 37 to pay for the replacement of 530 linear feet of trail fence along with chain link fence and gates at this sports complex to show their continued support and partnership to help the City maintain its public assets. This facility is utilized by thousands of youth and their families in the community each year primarily for youth soccer. The trail fence provides for a trail connection from Western to Corydon through the south end of the park.

Staff is recommending acceptance of this donation by AYSO Region 37. A resolution has been prepared accepting the donation from AYSO and amending the FY 2014 General Fund Budget to show the increased cost of contract services in Division 733 and the corresponding increase in revenue.

FINANCIAL IMPACT: Increase General Fund appropriation for Contractual Services and donation revenue line items by \$5,860.

Attachment: **Resolution No. 2013-56**



RESOLUTION NO. 2013-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA AMENDING THE FY 2013-2014 GENERAL FUND BUDGET INCREASING APPROPRIATIONS AND REVENUES BY \$5,860

WHEREAS, the Shearer Sports Complex has a horse trail that runs alongside the south side of the parcel; and

WHEREAS, the horse trail fencing has become dismantled and broken; and

WHEREAS, the pedestrian entrances to the turf area on the west side of the facility have become unusable and in need of repair; and

WHEREAS, funding is available through a donation from AYSO Region 37 for the repair and replacement; and

NOW THEREFORE, BE IT RESOLVED that the FY 2013-2014 General Fund budget is amended by increasing appropriations to Contractual Services in the Parks Division 733 and increasing revenues by \$5,860.

PASSED AND ADOPTED by the City Council at a regular meeting held on August 21, 2013.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

I, Brenda K. Jacobs, City Clerk of the City of Norco, California do hereby certify that the foregoing Resolution was introduced and adopted by the City Council of the City of Norco at a regular meeting held on August 21, 2013 by the following vote of the City Council:

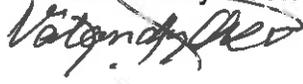
AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on August 21, 2013

Brenda K. Jacobs, City Clerk
City of Norco, California

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Lori J. Askew, Director of Public Works 

DATE: August 21, 2013

SUBJECT: Approval of the Vacation of Cota Street between Parkridge Avenue and Hamner Avenue

RECOMMENDATION: Adopt **Resolution No. 2013-57**, approving the vacation of Cota Street; and, direct the City Clerk to send the executed resolution to be recorded.

SUMMARY: Staff is requesting that the City Council adopt the proposed resolution, which will approve the final vacation of Cota Street between Parkridge Avenue and Hamner Avenue.

BACKGROUND/ANALYSIS: On February 6, 2013, the City Council approved Resolution 2013-05, which approved the potential vacation of Cota Street between Parkridge Avenue and Hamner Avenue, subject to certain required conditions precedent. The first of those conditions was to have public utility easements placed over the street to protect underlying utilities. These utility easements were accepted by Norco City Council on August 7, 2013. Secondly, approval by the Riverside County Local Agency Formation Commission (LAFCO) was needed to be received for the detachment from the City of Norco with concurrent annexation to the City of Corona for the southeasterly half (30 feet) of right-of-way needed to occur. LAFCO unanimously approved this reorganization on July 25, 2013. And finally, the above said actions had to occur within two years of the effective date of Resolution 2013-05.

Therefore, with all the conditions precedent having been met, staff is requesting the adoption of Resolution No. 2013-57 approving the vacation of Cota Street.

Attachments: Resolution No. 2013-57
LAFCO Resolutions

RESOLUTION NO. 2013-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING THE VACATION OF COTA STREET

WHEREAS, Division 9, Part 3, Chapter 4 of the Streets and Highways Code, Section 8334 allows for vacation of excess right-of-way of a street not required or used for street purposes; and

WHEREAS, the City of Norco has initiated proceedings for the vacation of Cota Street public right-of-way generally described as follows:

Generally described as dedicated public right-of-way with a width of 60 feet and a length of approximately 600 feet extending from the intersection of the centerline of Hamner Avenue to the centerline of Parkridge Avenue; and

WHEREAS, the proposed vacation of Cota Street public right-of-way was duly submitted to said City's Planning Commission for a recommendation at a public hearing for which proper notice was given; and

WHEREAS, the proposed vacation of Cota Street public right-of-way was scheduled for public hearing on December 12, 2012 on or about 7 p.m., in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, the Planning Commission received both oral and written testimony pertaining to the proposed vacation; and

WHEREAS, based on findings of fact the Planning Commission adopted Resolution 2012-49 recommending that the City Council proceed with vacation of the Cota Street public right-of-way maintaining an easement for public utilities; and

WHEREAS, hearing of the proposed Cota Street vacation was duly noticed and scheduled for public hearing by the City Council at their meeting of February 6, 2013, at 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, Notices of Vacation of the Cota Street right-of-way were duly posted on January 23, 2013 at the ends of the Cota Street right-of-way and every 300 feet along the proposed vacation; and

WHEREAS, at the time and place noticed, the City Council held the public hearing and received oral and written testimony pertaining to the vacation of Cota Street public right-of-way; and

WHEREAS, the City of Norco acting as the **Lead Agency**, has determined that the project is exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Category **5**; and

WHEREAS, City Council approved Resolution 2013-05 on February 6, 2013 approving the potential vacation of Cota Street if certain conditions precedent were met within two years of the date of resolution at which time a protest hearing was duly held; and

WHEREAS, the Local Agency Formation Commission (LAFCO) adopted Resolution No. 03-13 approving the proposed Sphere of Influence Amendments to the City of Norco (Removal) and the City of Corona (Cota St.) (Addition); and

WHEREAS, LAFCO adopted resolution No. 04-13 approving the proposed reorganization to include detachment from the City of Norco and Annexation 155 to the City of Corona (Cota St.).

WHEREAS, all conditions precedent have been completed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Norco, California, as follows:

SECTION 1. The City approvals of a vacation of public right-of-way for Cota Street between Hamner Avenue and Parkridge Avenue.

SECTION 2. Upon execution, the resolution shall be sent to the Riverside County Recorder's Office for recordation.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on August 21, 2013.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on August 21, 2013 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on August 21, 2013.

Brenda K. Jacobs, City Clerk
City of Norco, California

1 makes the following determinations:

2 A. The Present and Planned Land Uses in the
3 Area Including Agricultural and Open Space Uses:

4 The sphere of influence amendment areas consist
5 of 0.454 acre strip of land on a public road right of way (Cota
6 Street). This section of Cota Street has never been maintained
7 and is barricaded.

8 The affected property is currently undeveloped
9 and uninhabited. Proposed land uses would be for the
10 development of landscape area and private parking while
11 maintaining easements over and to the existing public and
12 private utilities.

13 B. The Present and Probable Need for Public
14 Facilities and Services in the Area:

15 A SOI amendment would not alter the current
16 service patterns of the Cities of Corona and Norco. This
17 project would minimally affect probable need for public
18 facilities as most are already provided to parcels adjacent to
19 the area.

20 C. The Present Capacity of Public Facilities
21 and Adequacy of Public Services Which the Agency Provides or is
22 Authorized to Provide:

23 The subject parcel and proposed project on the
24 adjacent benefiting parcel (APN 122-062-001) will not exceed
25 the present capacity of public facilities and the City of
26 Corona can adequately provide services to the site.

27 D. The Existence of Any Social or Economic
28 Communities of Interest in the Area:

EXHIBIT "A"

LAFCO 2013-06-02

SPHERE OF INFLUENCE AMENDMENTS TO THE CITY OF NORCO (REMOVAL) AND TO THE CITY OF CORONA (ADDITION) (COTA STREET)

LAFCO 2013-07-02

REORGANIZATION TO INCLUDE DETACHMENT FROM THE CITY OF NORCO AND ANNEXATION 115 TO THE CITY OF CORONA (COTA STREET) AND CONCURRENT DETACHMENT FROM RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT

BEING A PORTION OF LOT 23 OF CORONA CITRUS TRACT, RECORDED IN BOOK 8, PAGE 24 OF MAPS, RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, LYING WITHIN SECTION 24, TOWNSHIP 3 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF COTA STREET, HAVING A HALF WIDTH OF 30.00 FEET AND PARKRIDGE AVENUE, HAVING A HALF WIDTH OF 30.00, BOTH AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 61, PAGE 19, RECORDS OF SAID COUNTY AND SAID CORONA CITRUS TRACT;

1. THENCE ALONG THE CENTERLINE OF SAID COTA STREET, NORTH 54° 17' 16" EAST A DISTANCE OF 673.76 FEET TO THE CENTERLINE OF HAMNER AVENUE, BEING COMMON WITH THE CENTERLINE OF MAIN STREET, HAVING A NORTHWESTERLY WIDTH OF 30.00 FEET, AS SHOWN ON SAID CORONA CITRUS TRACT;
2. THENCE LEAVING SAID CENTERLINE OF COTA STREET, ALONG THE CENTERLINE OF SAID HAMNER AVENUE, SOUTH 08° 03' 32" WEST A DISTANCE OF 41.54 FEET TO THE NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID COTA STREET, ALSO BEING THE NORTHERLY BOUNDARY OF THE CITY OF CORONA AS SHOWN ON SAID RECORD OF SURVEY AND SAID CORONA CITRUS TRACT;
3. THENCE LEAVING SAID CENTER LINE OF HAMNER AVENUE, ALONG SAID PROLONGATION AND SAID NORTHERLY BOUNDARY, SOUTH 54° 17' 16" WEST A DISTANCE OF 644.99 FEET TO THE INTERSECTION OF THE CENTERLINE OF SAID PARKRIDGE AVENUE AND THE SOUTHWESTERLY PROLONGATION OF SAID SOUTHEASTERLY RIGHT OF WAY LINE AND SAID NORTHERLY BOUNDARY LINE;
4. THENCE LEAVING SAID PROLONGATION AND NORTHERLY BOUNDARY LINE, ALONG SAID CENTERLINE OF PARKRIDGE AVENUE, NORTH 35° 45' 46" WEST A DISTANCE OF 30.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 0.454 ACRES, MORE OR LESS.

APPROVED BY THE LOCAL AGENCY FORMATION COMMISSION

Agenda 7/25/13

AS SHOWN ON EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

PREPARED UNDER THE SUPERVISION OF:

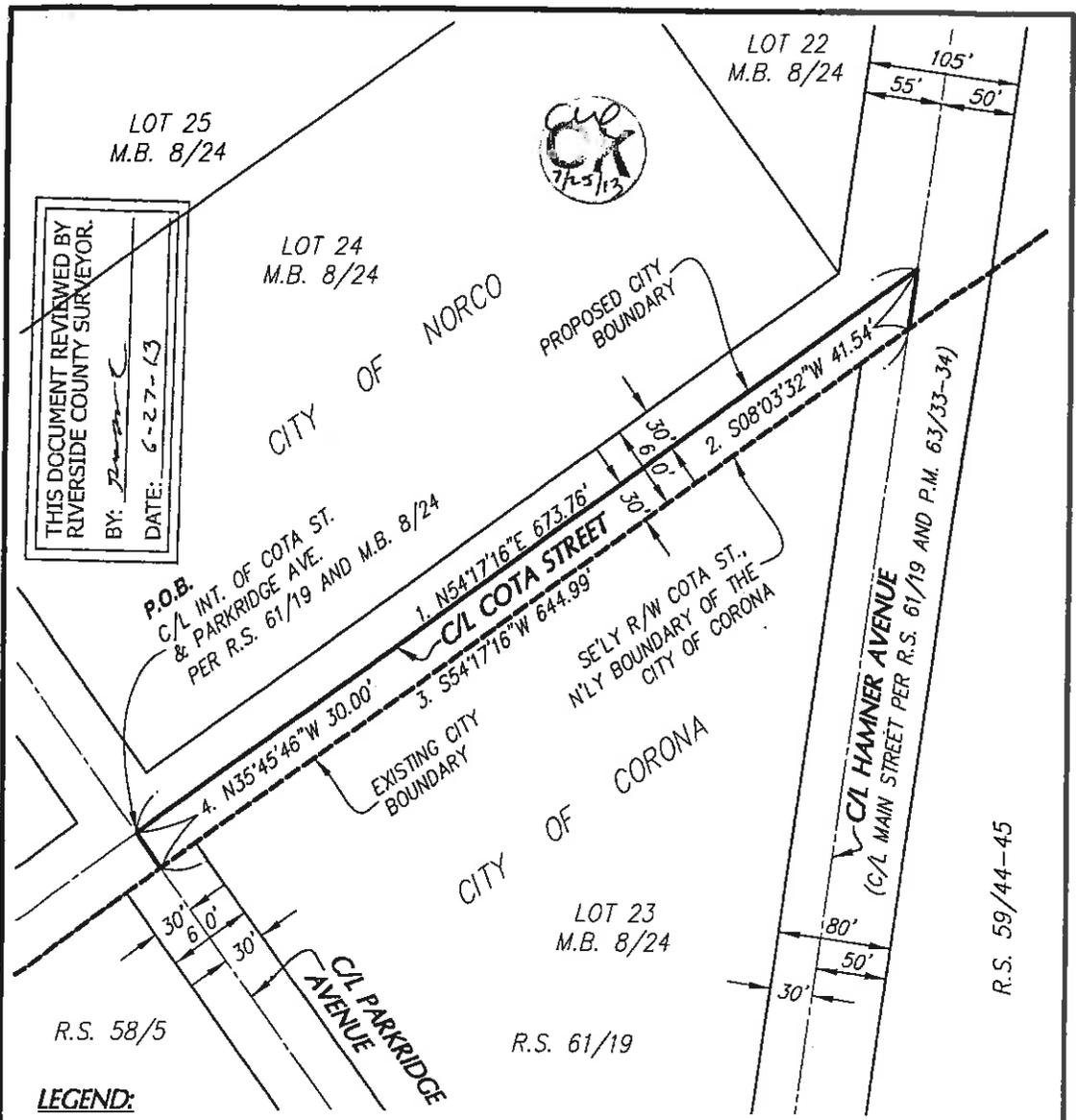


W. R. Knight
WILLIAM R. KNIGHT, L.S. 6810

06/17/13
DATE:

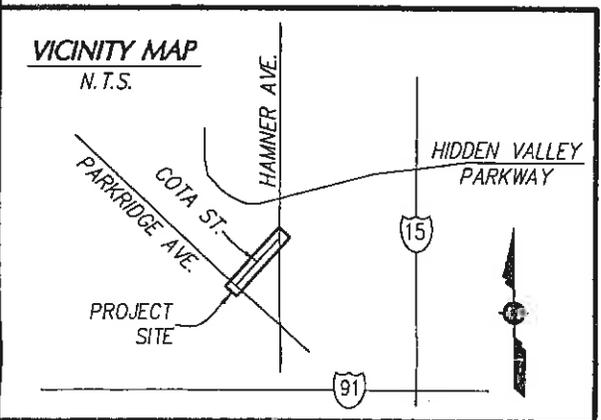
THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.	
BY: <i>R. [Signature]</i>	DATE: 6-27-13

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *[Signature]*
DATE: 6-27-13



LEGEND:
 - - - EXISTING CITY BOUNDARY
 — ANNEXATION BOUNDARY

SCALE: 1"=100'



[Signature] 06/17/13
 WILLIAM R. KNIGHT, L.S. 6810 DATE

EXHIBIT "A"
 LAFCO 2013-06-02
 SPHERE OF INFLUENCE AMENDMENTS TO THE CITY OF NORCO (REMOVAL) AND TO THE CITY OF CORONA (ADDITION) (COTA STREET)
 LAFCO 2013-07-02
 REORGANIZATION TO INCLUDE DETACHMENT FROM THE CITY OF NORCO AND ANNEXATION T15 TO THE CITY OF CORONA (COTA STREET) AND CONCURRENT DETACHMENT FROM RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT
 BEING A PORTION OF LOT 23 OF CORONA CITRUS TRACT, RECORDED IN BOOK 8, PAGE 24 OF MAPS, RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, LYING WITHIN SECTION 24, T.3S., R.7W., S.B.M. CONTAINS 0.454 ACRES, MORE OR LESS.

SHEET
 1
 OF 1
 SHEET

1 5. The boundaries of the territory as set forth in
2 Exhibit "A", attached hereto and incorporated herein by this
3 reference are approved.

4 6. This reorganization is consistent with the
5 spheres of influence of the City of Corona and Norco, as
6 amended, and all other affected agencies.

7 7. This reorganization is legally uninhabited.

8 8. The reorganization is approved subject to the
9 following terms and conditions:

10 a. In accordance with Government Code Sections
11 56886(t) and 57330, the subject territory shall be subject to
12 the levying and collection of any previously authorized charge,
13 fee, assessment or tax of the City of Corona.

14 b. The City of Corona shall defend, indemnify, and
15 hold harmless the Riverside County Local Agency Formation
16 Commission ("LAFCO"), its agents, officers, and employees from
17 any claim, actions, or proceedings against LAFCO, its agents,
18 officers, and employees to attach, set aside, void, or annul an
19 approval of LAFCO concerning this proposal.

20 c. Prior to or concurrent with the recordation of
21 the Certificate of Completion, the Cota Street right-of-way
22 vacation must be completed and consistent with the approved
23 annexation boundaries.

24 9. Pursuant to Government Code Section 56662(d),
25 waive Protest Proceedings, and make the following
26 determinations:

27 a. The affected territory is uninhabited.

28 b. There are no landowners as defined by Section

1 56048 within the affected territory.

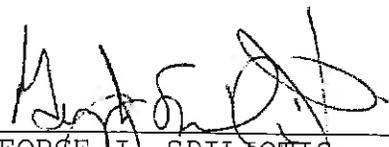
2 c. No subject agency has submitted written
3 opposition to a waiver of protest proceedings.

4 10. The Executive Officer is directed to prepare
5
6 and execute a Certificate of Completion upon receipt of fees
7 required by Government Code Section 54902.5 (made payable to
8 the State Board of Equalization) and compliance with
9 applicable terms and conditions.

10 11. The Executive Officer is directed to transmit a
11 certified copy of this resolution to each subject agency.

12
13 
14 PHIL WILLIAMS, Chair

15
16 I certify the above resolution was passed and adopted by the
17 Local Agency Formation Commission of Riverside County on July
18 25, 2013.

19 
20 GEORGE J. SPILIOTIS
21 Executive Officer

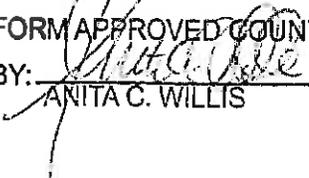
22
23
24 FORM APPROVED COUNTY COUNSEL
25 BY:  7-25-13
26 ANITA C. WILLIS DATE

EXHIBIT "A"

LAFCO 2013-06-02

SPHERE OF INFLUENCE AMENDMENTS TO THE CITY OF NORCO (REMOVAL) AND TO THE CITY OF CORONA (ADDITION) (COTA STREET)

LAFCO 2013-07-02

REORGANIZATION TO INCLUDE DETACHMENT FROM THE CITY OF NORCO AND ANNEXATION 115 TO THE CITY OF CORONA (COTA STREET) AND CONCURRENT DETACHMENT FROM RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT

BEING A PORTION OF LOT 23 OF CORONA CITRUS TRACT, RECORDED IN BOOK 8, PAGE 24 OF MAPS, RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, LYING WITHIN SECTION 24, TOWNSHIP 3 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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APPROVED BY THE LOCAL AGENCY FORMATION COMMISSION

Cyrus C. [Signature] 7/25/13

CONTAINING: 0.454 ACRES, MORE OR LESS.

AS SHOWN ON EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

PREPARED UNDER THE SUPERVISION OF:



W. R. Knight
WILLIAM R. KNIGHT, L.S. 6810 06/17/13 DATE:

THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.	
BY: <i>Ross</i>	DATE: 6-27-13

LOT 22
M.B. 8/24

LOT 25
M.B. 8/24

LOT 24
M.B. 8/24



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *[Signature]*
DATE: 6-27-13

CITY OF NORCO

PROPOSED CITY
BOUNDARY

P.O.B.
C/L INT. OF COTA ST.
& PARKRIDGE AVE.
PER R.S. 61/19 AND M.B. 8/24

C/L COTA STREET

SE'LY R/W COTA ST.,
N'LY BOUNDARY OF THE
CITY OF CORONA

EXISTING CITY
BOUNDARY

CITY OF CORONA

C/L HAMNER AVENUE
(C/L MAIN STREET PER R.S. 61/19 AND P.M. 63/33-34)

LOT 23
M.B. 8/24

R.S. 58/5

R.S. 61/19

C/L PARKRIDGE
AVENUE

R.S. 59/44-45

LEGEND:

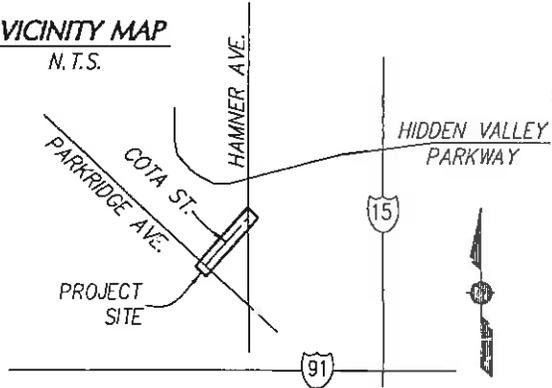
- EXISTING CITY BOUNDARY
- ANNEXATION BOUNDARY

SCALE: 1"=100'



VICINITY MAP

N.T.S.



[Signature] 06/17/13
WILLIAM R. KNIGHT L.S. 6810 DATE

EXHIBIT "A"

LAFCO 2013-06-02

SPHERE OF INFLUENCE AMENDMENTS TO THE CITY OF NORCO (REMOVAL) AND TO THE CITY OF CORONA (ADDITION) (COTA STREET)

LAFCO 2013-07-02

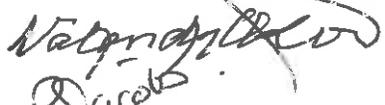
REORGANIZATION TO INCLUDE DETACHMENT FROM THE CITY OF NORCO AND ANNEXATION 115 TO THE CITY OF CORONA (COTA STREET) AND CONCURRENT DETACHMENT FROM RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT

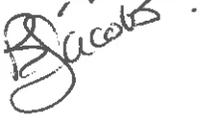
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SHEET
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OF 1
SHEET

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: August 21, 2013

SUBJECT: **Code Change 2013-03 (City of Norco):** An ordinance of the City Council of the City of Norco Establishing Prima Facie Speed Limits on Certain Streets in the City of Norco, and Amending Chapter 10.12.010 through 10.12.030 of the Norco Municipal Code.

RECOMMENDATION: Adopt **Ordinance No. 963** for second reading.

SUMMARY: The first reading of Ordinance No. 963 was held on August 7, 2013 and adopted by the City Council with a 5-0 vote. The ordinance amends Chapter 10.12.010 through 10.12.030 of the Norco Municipal Code establishing prima facie speed limits on certain streets in the City of Norco.

Attachment: Ordinance No. 963

ORDINANCE NO. 963

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO ESTABLISHING PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS IN THE CITY OF NORCO AND AMENDING CHAPTER 10.12.010 THROUGH 10.12.030 OF THE NORCO MUNICIPAL CODE.

WHEREAS, in accordance with the California Vehicle Code, to use radar as an enforcement tool, Section 40802 (b) requires that where speed limits are to be changed, provisions of Sections 22357 and 22358 must be satisfied; and

WHEREAS, in accordance with the California Vehicle Code and provisions of the State of California Department of Transportation, traffic surveys are performed when the use of radar or other electronic devices are utilized for enforcement; and

WHEREAS, the City conducted and completed traffic engineering speed zone surveys in June of 2013 on the streets delineated in the proposed revised Chapter 10.12.030 attached hereto; and

WHEREAS, the traffic engineering surveys considered the equestrian/rural nature of several streets, as well as the large lot requirements of the City, and recommended residential status on certain streets that may not meet the strict definition of a residential district; and

WHEREAS, in January 2003 Section 22353 was added to the California Vehicle Code allowing for equestrian safety, in addition to other factors required when conducting traffic and engineering surveys; and

WHEREAS, the City Council, in the exercise of their legislative powers, does concur with recommendations set forth in the proposed revised Chapter 10.12.030 as to the speed limits to be established.

NOW, THEREFORE, the City Council of the City of Norco does hereby find, determine, order, and resolve as follows:

SECTION 1: Chapter 10.12 of the Norco Municipal Code entitled "Speed Limits" is hereby amended in its entirety and replaced with the following:

10.12.010 Intent and Purpose. The intent and purpose of this Chapter is to establish prima facie speed limits on certain specified streets within the City in order to allow radar or other electronic speed measuring devices to be used for enforcement and citation purposes. It is also intended to establish by use and function some streets as residential in the event they do not meet the specific definition of a residential district within the California Vehicle Code. These clarifications are necessary in consideration of the rural type development, large lot design, lack of sidewalks, and equestrian orientation of the Community.

10.12.020. Justification. In accordance with the appropriate sections within the California Vehicle Code, engineering and traffic surveys are performed as necessary on streets shown on the functional classification map and not subject to prima facie speed limits contained within the California Vehicle Code as well as those not shown on the map and not meeting the definition of a residential area. The speeds on those street segments surveyed are safe and reasonable and are considered appropriate to facilitate the safe and orderly movement of traffic and the safety and protection of the pedestrian/equestrian segment of the Community.

10.12.30 Prima Facie Speed Limits

<u>STREET</u>	<u>SEGMENT</u>	<u>SPEED LIMIT</u>
Alhambra Street	Norco Drive to Acacia Avenue	25
Bluff Street	River Road to Corydon Avenue	25
Branding Iron Lane	Dapplegray Lane to Wild Horse	25
California Avenue	Fifth to Sixth Streets	25
California Avenue	Sixth Street to North Drive	35
Corydon Avenue	Fifth Street to River Road	35
Crestview Drive	Arlington Avenue to Valley Drive	25
Detroit Street	Hamner to Valley View Avenue	25
El Paso Drive	Hillside Ave to Hidden Valley Pkwy	25
Fifth Street	Corydon Avenue to Norconian Drive	40
Fifth Street	Norconian Drive to Hamner Avenue	35
Fifth Street	Hamner Ave to California Avenue	25
First Street	Parkridge to Hamner Avenue	35
First Street	Valley View to Hillside Avenue	25
Fourth Street	Clark Avenue to Hillside Avenue	25
Hamner Avenue	North City Limit to Sixth Street	45

Hamner Avenue	Sixth Street to South City Limit	40
Hidden Valley Parkway	Hamner Avenue to 4000' E/O I-15	45
Hidden Valley Parkway	4000' E/O I-15 to Norco Hills Road	45
Hillside Avenue	First to Sixth Street	25
Mountain Avenue	Hamner Avenue to Second Street	40
Norco Drive	Hamner Avenue to Fifth Street	35
Norco Hills Road	Hidden Valley Pkwy to Valley Drive	50
Norconian Drive	Fifth Street to Norco Drive	25
North Drive	East City Limit to California Avenue	40
Parkridge Avenue	Second Street to South City Limit	40
Pedley Road	Seventh Street to Fifth Street	25
River Road	North City Limit to South City Limit	45
Rock Springs Avenue	Thoroughbred Lane to First Street	25
Second Street	River Road to Hamner Avenue	35
Second Street	Hamner to Hillside Avenue	25
Seventh Street	Valley View to California Avenue	25
Sierra Avenue	Fifth Street to Sixth Street	25
Sixth Street	Hamner Avenue to Crestview Drive	35
Third Street	Valley View Ave to Hamner Avenue	25
Third Street	Hamner to 2700 West of Campus	35
Thoroughbred Lane	Sedona Lane to El Paso Drive	25
Valley Drive	Country Club Drive to Fresian Street	35
Valley View Avenue	Detroit Street to 2 nd Street	25

Vine Street	Corydon Ave (N) to Corydon Ave (S)	25
Wild Horse Lane	Branding Iron to Crestview Drive	25

SECTION 2: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

SECTION 3: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on August 21, 2013.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on August 7, 2013 and thereafter at a regular meeting of said City Council held on August 21, 2013, it was duly passed and adopted by the following vote of the City Council:

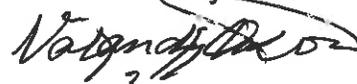
AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on August 21, 2013.

Brenda K. Jacobs, City Clerk
City of Norco, California

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Brian K. Petree, Director
Parks, Recreation and Community Services Director

DATE: August 21, 2013

SUBJECT: Approval of Wild Animal Permit NWAP 2013-01, Trevor Santochi, 3925 Mt. Shasta, Norco, California

RECOMMENDATION: Approve Wild Animal Permit NWAP 2013-01.

SUMMARY: Norco Animal Control Services was contacted in June, 2013, regarding an application for a Wild Animal Permit by Mr. Santochi at 3925 Mt. Shasta, Norco. Mr. Santochi would like a Wild Animal Permit to house his falcon on his property. The property is zoned for animal keeping. The applicant has met all required permits from California Fish and Game and Federal Office of Fish and Wildlife.

BACKGROUND/ANALYSIS: Staff was contacted June 25, 2013, by Trevor Santochi, at 3925 Mt. Shasta, Norco, to request a Wild Animal Permit for his Artic Gyrfalcon. The Gyrfalcon is a hybrid breed that is a mix of a Peregrine Falcon and a regular falcon. The Norco Municipal Code provides for a permit to be issued through Norco Animal Control Services with approval by the City Council. The property is on 0.84 acres of land and is in the Norco Ridge Ranch Specific Plan. The property is 111 feet wide and 333 feet deep. It has 2,729 square feet area of Primary Animal Keeping Area (PAKA).

Based on staffs' review of the applicants request and inspection of the property, it is large enough to house a flight/domicile cage for his falcon. The bird of prey will require a minimal 10' x 10' x 12' foot area based on the size of bird and its wing span. The applicant is proposing a larger housing area of 18' feet by 24' feet 432 square foot flight domicile cage to be housed on the property as part of the PAKA. The proposed structure will only take up 16 % percent of the PAKA.

There are standards for construction to house a falcon bird of prey and it will need to be constructed based on the Federal Falcon Regulation standards for falconry permitting: Code of Federal Regulations, Title 50: Wildlife and Fisheries, Part 21, Sub-Section 21.29 (Exhibit "A"). The proposed location of the flight cage and housing of the bird of prey is located at the northeast rear of his property (Exhibit "B") and is part of the Primary Animal Keeping Area (PAKA) (Exhibit "C") and will take up less than 40% of the PAKA which is allowable by the zoning code for Norco Ridge Ranch Specific Plan. Based on discussion with both the Planning and Building and Safety Departments, this land use is acceptable if a Wild Animal Permit is approved by the Norco City Council.

Based on Norco Animal Control Services evaluation and findings, it would be recommended that the City Council approve the Wild Animal Permit for a bird of prey for property located at 3925 Mt. Shasta as conditioned by the City of Norco.

I. FINDINGS:

- A. The proposed Wild Animal Permit is for a Gyrfalcon and is allowable under our Norco Municipal Code Chapter 8.05 Wild or Vicious Animal with City Council approval.
- B. The requested Wild Animal Permit will not adversely affect the property nor does it affect the public convenience or general welfare of persons residing or working in the neighborhood thereof, and is not prohibited by the Norco Municipal Code or any General Plan Zoning to the proposed property. The nature of the proposed permit is conditional based on Norco Animal Control approval of housing the bird of prey in Norco City Limits. California Fish and Game and Federal Fish and Wildlife have issued a falconer license to the applicant and the applicant has met all their requirements and conditions. The housing of the bird of prey can be managed in a manner so as to be consistent with surrounding uses, and will therefore not have any significant effects.
- C. The requested use will not adversely affect the adjoining property uses, and or the area in which it will be located for the wild animal permit. The applicant has provided letters of approval from both neighbors on either side of his property, and his property backs up to the City's open space area "Norco Hills". Furthermore, there is a letter of reference from the curator of birds from the San Diego Zoo providing background on the applicant and his good standing in managing wild bird of prey as a "Master Falconer". The proposed use, when approved, must comply with the conditions of approval as set by Norco Animal Control Services, Planning and Building and Safety Departments and, therefore, will not have an adverse effect on adjoining properties.

II. DETERMINATION:

Norco Animal Control Services has determined that Mr. Santochi has a valid and current California Fish and Game License for a Falcon. The application for the Wild Animal Permit has been filled out and is approved pending City Council final approval with condition.

The aforesaid application for a Wild Animal Permit will be granted, subject to conditions, as provided for in Norco Municipal Code, Section, Chapter 8.05 including, but not limited to the following conditions:

1. Must maintain a current and valid falconry license through California Fish and Game.
2. Must follow the Code of Federal Regulations, Title 50: Wildlife and Fisheries, Part 21, subsection 21.29.
3. Site Map and construction of flight cage and housing of bird of prey must be approved by the Planning and Building and Safety Departments. Incorporated herein by reference and on file with the Animal Control Department and Planning and Building and Safety Departments. Construction shall occur as shown unless otherwise noted in these conditions
4. The structure shall only house said bird of prey.
5. The falcon shall not ever be flown or demonstrated outside of the flight cage within the City of Norco city limits.
6. The permit shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) or other state or federal laws shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.
7. A building permit is required to be issued for the flight cage and must be approved by the Planning and Building and Safety Departments prior to any tenant improvements and reviewed by the Animal Control Services Division to ensure that flight cage meets the health and wellness of the falcon and Fish and Game and Fish and Wildlife regulation and that the land is not altered in any way to deter from the intent of the PAKA zoning use of the property. Further, that no expansion of use beyond the scope and nature described in this application which would tend to increase the projected scale of operations, shall be permitted except upon application for, and approval of, modification of this application in compliance with all procedures and requirements thereof.

The addition of more accessory uses, other than the approved specific uses listed in Condition #3, is considered an expansion of use and shall not occur without prior approval of Norco Animal Control Services the Planning and Building and Safety Departments.

8. It is hereby established that it shall be grounds for revocation of this Wild Animal Permit if the permittee, or any other person connected or associated with the permittee, or any person who is exercising managerial authority of the property has:

a. Violated any rule, regulation or condition of approval adopted by the Animal Control Services Division or a corresponding state or federal agency assigned for the protection of Wild Animals and or Planning and Building and Safety Department relating to the permit; or

b. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety and general welfare of the public or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in undesirable activities or creating an increased demand for public services.

9. The applicant shall comply with all requirements from Animal Control Services, Planning and Building and Safety Departments, and all other applicable departments and agencies.

10. It shall be the responsibility of the applicant and property owner to ensure that the use is operated in a clean and maintained condition that maintains the attractiveness of the neighborhood. Failure to do so may be subject to a revocation of this permit.

11. The owner/resident of the permit cannot transfer the use of this Wild Animal permit regardless of any changes in ownership. The owner/resident shall be responsible for all staff and attorney fees that may be incurred in the enforcement of the terms of the conditions of approval, whether they are annual inspections or compliance hearings.

Attachments: Exhibit "A" - Code of Federal Regulations

Exhibit "B" - Property Site Plan

Exhibit "C" - Zoning Map of Area

Application for Permit

CODE OF FEDERAL REGULATIONS
Title 50: Wildlife and Fisheries
PART 21—MIGRATORY BIRD PERMITS
Subpart C—Specific Permit Provisions

1 **§ 21.29 Falconry standards and falconry permitting.**

2 (a) *Background* —(1) *The legal basis for regulating falconry.* The Migratory Bird Treaty Act
3 prohibits any person from taking, possessing, purchasing g, bartering, selling, or offering to
4 purchase, barter, or sell, among other things, raptors (birds of prey) listed in §10.13 of this
5 subchapter unless the activities are allowed by Federal permit issued under this part and part 13
6 of this chapter, or as permitted by regulations in this part.

7 (i) This section covers all Falconiformes (vultures, kites, eagles, hawks, caracaras, and
8 falcons) and all Strigiformes (owls) listed in §10.13 of this subchapter (“native” raptors), and
9 applies to any person who possesses one or more wild-caught, captive-bred, or hybrid raptors
10 protected under the MBTA to use in falconry.

11 (ii) The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) provides
12 for the taking of golden eagles from the wild to use in falconry. It specifies that the only golden
13 eagles that may be used for falconry are those that would be taken because of depredations on
14 livestock or wildlife (16 U.S.C. 668a).

15 (2) “ *Possession* ” and *short-term handling of a falconry raptor.* We do not consider short-
16 term handling, such as letting any other person hold or practice flying a raptor you possess under
17 your permit, to be possession for the purposes of this section if you are present and the person is
18 under your supervision.

19 (3) *Regulatory year for governing falconry.* For determining possession and take of raptors
20 for falconry, a year is any 12–month period for take defined by the State, tribe, or territory.

21 (b) *Federal approval of State, tribal, and territorial falconry programs* —(1) *General* . (i) A
22 State (including the District of Columbia), tribe, or territory under the jurisdiction of the United
23 States that wishes to allow falconry must establish laws and regulations (hereafter referred to as
24 laws) that meet the standards established in this section. To allow the practice of falconry on
25 tribal lands by tribal members or residents, a tribe may either certify that it has adopted Service-
26 approved State laws if those laws are fully enforceable on tribal lands, or issue its own laws and
27 request our approval.

1 (ii) The U.S. Fish and Wildlife Service (Service) Director must determine that a State, tribal,
2 or territorial falconry permitting program meets the requirements and standards of this section.
3 The Director must certify no later than January 1, 2014, that a State, tribe, and territory willing to
4 allow falconry meets the federal standards. At that time, all Federal falconry permits and the
5 Federal permitting program will end. Falconry will not be permitted in a State or territory or by a
6 tribe after this date until that State, tribe, or territory develops a permitting program the Director
7 certifies to be in compliance with these regulations. Also see paragraph (b)(12) of this section.

8 (iii) State, tribal, or territorial laws may be more restrictive than these Federal standards but
9 may not be less restrictive. For instance, a State, tribe, or territory may choose not to allow
10 possession of some species of raptors otherwise allowed in this section. State, tribal, and
11 territorial laws must be consistent with the terms contained in any convention between the
12 United States and any foreign country for the protection of raptors and the Migratory Bird Treaty
13 Act.

14 (2) *State, tribal, or territorial submission for approval.* A State, tribe, or territory that wishes
15 to allow falconry must submit to the Director:

16 (i) The data required by paragraph (b)(1) of this section;

17 (ii) A copy of the State's, tribe's, or territory's Apprentice Falconer examination, which must
18 at a minimum cover laws and regulations, raptor biology and raptor identification, trapping
19 methods, facilities requirements, care of raptors held for falconry, and diseases and health
20 problems of raptors, and training methods; and

21 (iii) Copies of the laws and regulations governing falconry of the State, tribe, or territory, and
22 certification that the laws and regulations meet the requirements of this section.

23 (3) *Electronic reporting.* The State, tribe, or territory must work with us to ensure that the
24 electronic 3-186A reporting system (<http://permits.fws.gov/186A>) for reporting take, transfers,
25 and loss of falconry birds is fully operational for residents of that jurisdiction.

26 (4) *Federal approval and terms.* If we concur that the regulations and the examination meet
27 the requirements of this section, we will publish a rule in the Federal Register adding the State,
28 tribe, or territory to the list of those approved for allowing the practice of falconry. We will
29 terminate Federal falconry permitting in any State certified under these regulations on January
30 1st of the calendar year following publication of the rule.

1 (i) An approved State, tribe, or territory must notify the Service Director of any substantive
2 revisions of their laws governing falconry and certify that they meet the requirements of this
3 section.

4 (ii) We must approve the falconry examination any time it is revised.

5 (5) *Review of a State, tribal, or territorial falconry program* . We may review the
6 administration of an approved State's, tribe's, or territory's falconry program if complaints from
7 the public or law enforcement investigations that indicate the need for a review, or revisions to
8 the State's, tribe's, or territory's laws or falconry examination. The review may involve, but is not
9 limited to:

10 (i) Inspecting falconers' facilities to ensure that facilities standards in this section are met;

11 (ii) Processing time of applications;

12 (iii) Reviewing approved applications for completeness;

13 (iv) Determining that permits issued are appropriate for the experience of the applicants;

14 (v) Determining the adequacy of the State's, tribe's, or territory's recordkeeping for the needs
15 of State, tribal, or territorial and Federal law enforcement;

16 (vi) Reviewing laws to determine if they meet the requirements of this section; and

17 (vii) Reviewing a revised falconry examination to determine if it meets the requirements of
18 this section.

19 (6) *Suspension of a State's, tribe's, or territory's certification* .(i) We may propose to
20 suspend, and may suspend the approval of a State, tribal, or territorial falconry program in
21 accordance with the procedures in paragraph (b)(6)(ii) of this section if we determine that the
22 State, tribe, or territory has deficiencies in one or more items in paragraph (b)(5) of this section.

23 (ii) When we propose to suspend approval of a State, tribal, or territorial falconry program,
24 we will first provide written notice to the State, tribe, or territory. Any such notice will include
25 the basis for our determination that suspension is warranted. We will identify the actions that
26 would, if implemented by the State, tribe, or territory, allow us to cancel the proposed suspension
27 of approval.

28 (iii) The State, tribe, or territory will have 2 years from the date of our notification to correct
29 the deficiencies. The State, tribe, or territory must respond in writing within that time to the
30 proposed suspension, specifying the reasons why the certification should not be suspended. We
31 will give due consideration to any objections and evidence raised by the State, tribe, or territory.

1 (iv) If we continue to believe that suspension is warranted, we will provide written notice of
2 suspension, including the rationale for suspension, and respond to any objections to the
3 suspension.

4 (A) The suspension of approval of the State's, tribe's, or territory's falconry program will be
5 effective 180 days from the date of the Service's final notification of suspension.

6 (B) The State, tribe, or territory must then inform all falconry applicants and permittees of
7 the impending cancellation of permitting.

8 (v) We will honor all falconry permits in that jurisdiction for 2 years from the date of our
9 final notification of suspension of certification. At the end of the 2 years, you must transfer all
10 raptors (including captive-bred raptors) held under permits from the State, tribal, or territorial
11 falconry program to other falconry permittees in other States or territories, or to Federal raptor
12 propagation or education permittees, institutions exempt from the Federal permit requirements,
13 or permanently released to the wild (if it is allowed by the State, tribe, or territory and by this
14 section), or euthanized. However, you may not permanently release hybrid raptors to the wild.

15 (7) *Appeal of a decision to suspend State, tribal, or territorial certification* . The State, tribe,
16 or territory may appeal a decision to suspend certification to the Director within 180 days of the
17 date of the Director's decision. The Director will then respond to the State, tribe, or territory
18 within 180 days of receipt of the appeal. The State, tribe, or territory certification will remain
19 effective until the Director makes a final decision on the appeal.

20 (8) *Recertification of compliance with this section if a State's, tribe's, or territory's falconry*
21 *permitting authority has been suspended* . If a State, tribe, or territory has had its falconry
22 permitting authority suspended but has corrected its problems, it must submit a request for
23 approval of its permitting activities. We will then either recertify the program, or report in
24 writing why we do not believe that earlier permitting problems have been rectified.

25 (9) *Authority to suspend or revoke a falconry permit issued by a State, tribe, or territory* .
26 Suspension or revocation of a falconry permit is the responsibility of the State, tribe, or territory.
27 However, compliance with all provisions of these regulations remains under the purview of the
28 Fish and Wildlife Service.

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1 (10) *Standards in effect in your place of residence.*

If your legal residence is in	you may
(i) Arkansas, Colorado, Idaho, Maine, Michigan, Mississippi, Missouri, Montana, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, or Washington	practice falconry as permitted in these regulations if you have a permit from your State, tribe, or territory.
(ii) Alabama, Alaska, Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, or Wyoming,	practice falconry under the Federal regulations in effect on November 7, 2008 (if falconry was allowed in your State at that time) until your State has certified that it meets the requirements in these regulations or until January 1, 2014.

2

3 (11) *Compliance date for the regulations in this section.* A State with existing Federally-
 4 approved falconry regulations wishing to continue to allow falconry after January 1, 2014 must
 5 certify to the Director of the Fish and Wildlife Service that it is in compliance with this section.
 6 This section will be applicable for a State upon publication in the Federal Register of our notice of
 7 approval of the State's certification. Any State certified to allow falconry under the Federal
 8 falconry regulations contained in §§21.28 and §21.29 in effect prior to November 7, 2008 may
 9 continue to allow falconry under those provisions until:

- 10 (i) We publish a notice of our approval of the State's certification in the Federal Register; or
 11 (ii) January 1, 2014.

12 (12) *What will happen if a State with falconry regulations certified under earlier regulations*
 13 *does not come into compliance with this section by January 1, 2014?* If a State does not come
 14 into compliance with this section by the compliance date, we will require that all raptors held for
 15 falconry in that State or (including captive-bred raptors) be transferred to falconers in other
 16 jurisdictions, transferred to captive propagation programs, permanently released to the wild (if
 17 that is allowed by the State and by this section), or euthanized. However, you may not
 18 permanently release hybrid raptors to the wild.

19

20

1 (c) *Practicing falconry* —(1) *Practicing falconry where you reside.*

If your legal residence is in	you may	because your place of residence
(i) the District of Columbia, Hawaii, on any tribal land, or in any U.S. territory,	not practice falconry	has not met the Federal falconry standards or does not allow the practice of falconry.
(ii) any State other than Hawaii, in the District of Columbia, on any tribal land, or in any U.S. territory,	practice falconry after you receive your State, tribal, or territorial falconry permit, if your State, tribe, or territory is in compliance with these regulations	has met the Federal standards and allows the practice of falconry.

2

3 (2) *Permits and inspections to practice falconry.* You must have a valid falconry permit
 4 from the State, tribe, or territory in which you reside (or the tribe on whose land you wish to
 5 practice falconry if you reside on tribal land or are a tribal member), to take, possess, or transport
 6 raptors for falconry, or to hunt with them. Depending on the game you hunt as a falconer and
 7 where you hunt, you also may need a Federal Migratory Bird Hunting and Conservation Stamp
 8 (a “Duck Stamp”), and State, tribal, or territorial hunting permits or stamps to hunt with a raptor.

9 (i) Some State, tribal, territorial, or local governments may require you to have additional
 10 permits or licenses to practice falconry or to take a raptor from the wild.

11 (ii) You must comply with all regulations governing migratory bird permitting.

12 (iii) If you reside for more than 120 consecutive days in a State or territory or on tribal lands
 13 other than the location of your primary residence, your falconry facilities in the second location
 14 must meet the standards in paragraph (d) of this section and of the corresponding State, tribal, or
 15 territorial lands, and your facilities must be listed on your falconry permit.

16 (3) *Classes of permit to practice falconry.* We recognize Apprentice, General, and Master
 17 Falconer levels. Each State, tribe, or territory may have any number of permit levels, but the
 18 standards for them must be at least as restrictive as these Federal standards. Your State, tribe, or
 19 territory may have more restrictive laws or regulations governing falconry.

20 (i) Requirements and possession options for an Apprentice Falconer.

21 (A) You must be at least 12 years of age.

22 (B) If you are under 18 years of age, a parent or legal guardian must sign your application
 23 and is legally responsible for your activities.

1 (C) You must have a letter from a Master Falconer or a General Falconer with a valid State,
2 tribal, or territorial falconry permit who is at least 18 years old and has at least 2 years
3 experience at the General Falconer level, stating that he or she will assist you, as necessary, in:

4 (1) Learning about the husbandry and training of raptors held for falconry;

5 (2) Learning and about relevant wildlife laws and regulations, and

6 (3) Deciding what species of raptor is appropriate for you to possess while an Apprentice.

7 (D) Regardless of the number of State, tribal, or territorial falconry permits you have, you
8 may possess no more than one raptor for use in falconry.

9 (E) You may take raptors less than 1 year old, except nestlings, from the wild during any
10 period or periods specified by the State, tribe, or territory. You may take any raptor species from
11 the wild except a federally listed threatened or endangered species or the following species: Bald
12 eagle (*Haliaeetus leucocephalus*), white-tailed eagle (*Haliaeetus albicilla*), Steller's sea-eagle
13 (*Haliaeetus pelagicus*), golden eagle (*Aquila chrysaetos*), American swallow-tailed kite
14 (*Elanoides forficatus*), Swainson's hawk (*Buteo swainsoni*), peregrine falcon (*Falco peregrinus*),
15 flammulated owl (*Otus flammeolus*), elf owl (*Micrathene whitneyi*), and short-eared owl (*Asio*
16 *flammeus*).

17 (F) You may possess a raptor of any Falconiform or Strigiform species, including wild,
18 captive-bred, or hybrid individuals, except a federally listed threatened or endangered species, a
19 bald eagle (*Haliaeetus leucocephalus*), a white-tailed eagle (*Haliaeetus albicilla*), a Steller's
20 sea-eagle (*Haliaeetus pelagicus*), or a golden eagle (*Aquila chrysaetos*).

21 (G) You do not need to capture a wild raptor yourself; it can be transferred to you by
22 another falconry permittee.

23 (H) You may not possess a raptor taken from the wild as a nestling.

24 (I) You may not possess a bird that is imprinted on humans.

25 (J) Your raptor facilities must pass inspection by your State, tribe, or territory before you
26 may be granted a permit.

27 (ii) Requirements and possession options for a General Falconer.

28 (A) You must be at least 16 years of age.

29 (B) If you are 16 or 17 years of age, a parent or legal guardian must sign your application
30 and must be legally responsible for your activities.

31 (C) You must submit a document from a General Falconer or Master Falconer (preferably
32 your sponsor) to your State, tribal, or territorial wildlife agency stating that you have practiced

1 falconry with raptor(s) at the Apprentice Falconer level or equivalent for at least 2 years,
2 including maintaining, training, flying, and hunting the raptor(s) for least 4 months in each year.
3 That practice may include capture and release of falconry raptors.

4 (D) You may not substitute any falconry school program or education to shorten the period
5 of 2 years at the Apprentice level.

6 (E) You may take and possess any species of Falconiform or Strigiform except a golden
7 eagle, a bald eagle, a white-tailed eagle, or a Steller's sea-eagle. You may use captive-bred
8 individuals and hybrids of the species you are allowed to possess.

9 (F) Regardless of the number of State, tribal, or territorial falconry permits you have, you
10 may possess no more than 3 raptors.

11 (iii) Requirements and possession options for a Master Falconer.

12 (A) You must have practiced falconry with your own raptor(s) at the General Falconer level
13 for at least 5 years.

14 (B) You may take and possess any species of Falconiform or Strigiform except a bald eagle.
15 However, you may take and possess a golden eagle, a white-tailed eagle, or a Steller's sea eagle
16 only if you meet the qualifications set forth under paragraph (c)(3)(iv).

17 (C) You may possess any captive-bred individuals or hybrids of species your State, tribe, or
18 territory allows you to possess for use in falconry.

19 (D) Regardless of the number of State, tribal, or territorial falconry permits you have, you
20 may possess no more than 5 wild raptors, including golden eagles.

21 (E) You may possess any number of captive-bred raptors. However, you must train them in
22 the pursuit of wild game and use them in hunting.

23 (iv) If you meet the requirements in paragraph (c) of this section for falconry you may
24 possess up to 3 eagles of the following species: golden eagle, white-tailed eagle, or Steller's sea
25 eagle.

26 (A) Your State, tribal, or territorial agency that regulates falconry must document the
27 following before approving your request to possess an eagle to use in falconry:

28 (1) Your experience in handling large raptors, including information about the species you
29 have handled and the type and duration of the activity in which you gained the experience.

30 (2) At least two letters of reference from people with experience handling and/or flying
31 large raptors such as eagles, ferruginous hawks, goshawks (*Accipiter gentilis*), or great horned
32 owls (*Bubo virginianus*). Each must contain a concise history of the author's experience with

1 large raptors, which can include, but is not limited to, handling of raptors held by zoos,
2 rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also
3 assess your ability to care for eagles and fly them in falconry.

4 (B) A golden eagle, white-tailed eagle, or Steller's sea-eagle you hold will count as one of
5 the raptors you are allowed to possess for use in falconry.

6 (4) *Taking a test to qualify for a falconry permit.* Before you are issued an Apprentice
7 permit you must correctly answer at least 80 percent of the questions on an examination
8 administered by the State, tribe, or territory under which you wish to obtain a falconry permit.
9 The examination must cover care and handling of falconry raptors, Federal, State or territorial,
10 and tribal (if applicable) laws and regulations relevant to falconry, and other appropriate subject
11 matter. Contact your State, tribal, or territorial agency that regulates falconry for information
12 about permits and taking the test.

13 (5) *Reinstatement of a lapsed falconry permit if your State, tribe, or territory allows it.* (i) If
14 your permit has lapsed for fewer than 5 years, it may be reinstated at the level you held
15 previously if you have proof of your certification at that level.

16 (ii) If your permit has lapsed for 5 years or longer, you must correctly answer at least 80
17 percent of the questions on an examination administered by the State, tribe, or territory in which
18 you wish to obtain a falconry permit. If you pass the exam, your permit may be reinstated at the
19 level you previously held. Your facilities must pass State, tribal, or territorial inspection before
20 you may possess a falconry bird.

21 (6) *Permit to practice falconry at an appropriate level if you have experience in falconry but*
22 *are a new resident in the United States.* You may qualify for the falconry permit appropriate for
23 your experience. To demonstrate your knowledge of U.S. falconry laws and regulations, you
24 must correctly answer at least 80 percent of the questions on the supervised examination for
25 falconers administered by the State, tribe, or territory under which you wish to obtain a falconry
26 permit. If you pass the test, the State, tribe, or territory will decide for which level of falconry
27 permit you are qualified, consistent with the class requirements in paragraph (c)(3) of this
28 section. To do so, the State, tribe, or territory should base its decision on your documentation of
29 your experience. Your falconry facilities must meet the standards in paragraph (d)(1) of this
30 section before you may keep a raptor to use in falconry.

31 (7) *Banding or tagging raptors used in falconry.* (i) If you take a goshawk, Harris's hawk (
32 *Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*)

1 from the wild or acquire one from another falconer or a rehabilitator, and if the raptor is not
2 already banded, you must band it with a permanent, nonreusable, numbered U.S. Fish and
3 Wildlife Service leg band that your State, tribal, or territorial agency will supply. If you wish,
4 you may purchase and implant an ISO (International Organization for Standardization)-
5 compliant (134.2 kHz) microchip in addition to the band. You must report the band number
6 when you report your acquisition of the bird. Contact your State, tribal, or territorial agency for
7 information on obtaining and disposing of bands. Within 10 days from the day on which you
8 take the raptor from the wild, you must report take of the bird by entering the required
9 information (including the band number) in the electronic database at
10 <http://permits.fws.gov/186A> or, if required by your permitting agency, by submitting a paper
11 form 3–186A to your State, tribal, or territorial agency that governs falconry. You may request
12 an appropriate band from your State, tribal, or territorial agency in advance of any effort to
13 capture a raptor. Your State, tribe, or territory may require that you band other species taken
14 from the wild.

15 (ii) A raptor bred in captivity must be banded with a seamless metal band (*see* §21.30). If
16 you must remove a seamless band or if it is lost, within 10 days from the day you remove or note
17 the loss of the band, you must report it and request a replacement U.S. Fish and Wildlife Service
18 nonreusable band from your State, tribe, or territory. You must submit the required information
19 electronically immediately upon rebanding the raptor at <http://permits.fws.gov/186A> or, if
20 required by your permitting agency, by submitting a paper form 3–186A to your State, tribal, or
21 territorial agency that governs falconry. You must replace a seamless band that is removed or
22 lost. You may implant an ISO-compliant (134.2 kHz) microchip in a falconry raptor in addition
23 to the seamless band.

24 (iii) If the band must be removed or is lost from a raptor in your possession, you must report
25 the loss of the band within 5 days, and you must then do at least one of the following:

26 (A) Request a U.S. Fish and Wildlife Service nonreusable band from your State, tribal, or
27 territorial agency that regulates falconry. You must submit the required information within 10
28 days of rebanding the raptor at <http://permits.fws.gov/186A> or by submitting a paper form 3-
29 186A to your State, tribal, or territorial agency that governs falconry.

30 (B) Purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird and report
31 the microchip information at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A
32 form to your State, tribal, or territorial agency that governs falconry.

1 (iv) You must not alter, deface, or counterfeit a band. You may remove the rear tab on a
2 band on a raptor you take from the wild, and you may smooth any imperfect surface if you do
3 not affect the integrity of the band or the numbering on it.

4 (v) If you document health or injury problems for a raptor you possess that are caused by the
5 band, the State, tribe, or territory may provide an exemption to the requirement for that raptor. In
6 that case, you must keep a copy of the exemption paperwork with you when transporting or
7 flying the raptor. If your bird is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon,
8 you must replace the band with an ISO-compliant microchip that we will supply to your State,
9 tribe, or territory. We will not provide a microchip for a wild goshawk, Harris's hawk, peregrine
10 falcon, or gyrfalcon unless you have demonstrated that a band causes an injury or a health
11 problem for the bird.

12 (vi) You may not band a raptor removed from the wild with a seamless numbered band.

13 (8) *Carrying your permit(s) when conducting falconry activities.* You must have your
14 permit(s) or legible copies of them in your immediate possession if you are not at the location of
15 your falconry facilities and you are trapping, transporting, working with, or flying your falconry
16 raptor(s).

17 (9) *Transporting a falconry raptor or raptors to other States or territories.* If you have a
18 valid falconry permit, you may possess and transport for falconry purposes a lawfully possessed
19 raptor through other States or territories. However, any State, tribe, or territory may further
20 regulate such transport.

21 (d) *Facilities and care requirements* —(1) *Facilities you must have and maintain* . You
22 must keep all raptors you hold under your falconry permit in humane and healthful conditions.

23 (i) Whether they are indoors (a “mews”) or outdoors (a “weathering area”), your raptor
24 facilities must protect raptors in them from the environment, predators, and domestic animals.
25 You are responsible for the maintenance and security (protection from predators) of raptors you
26 possess under your permit.

27 (ii) You must have raptor housing facilities approved by your State, tribe, or territory before
28 you may obtain a bird to use in falconry. Your State, tribe, or territory may require that you have
29 both indoor and outdoor facilities. A representative of your agency that regulates falconry, or its
30 designee, must certify that your facilities and equipment meet the following standards:

31 (A) For housing raptors indoors or outdoors, the facility must protect raptors from predators
32 and domestic animals.

1 (1) The facility must have a suitable perch for each raptor, at least one opening for sunlight,
2 and must provide a healthy environment for raptors inside.

3 (2) You may house untethered raptors together if they are compatible with each other.

4 (3) Each raptor must have an area large enough to allow it to fly if it is untethered or, if
5 tethered, to fully extend its wings or bate (attempt to fly while tethered) without damaging its
6 feathers or contacting other raptors.

7 (4) Each falconry bird must have access to a pan of clean water unless weather conditions,
8 the perch type used, or some other factor makes access to a water pan unsafe for the raptor.

9 (B) An indoor facility must be large enough to allow easy access for the care and feeding of
10 raptors kept there.

11 (1) If raptors you house in this indoor facility are not tethered, all walls that are not solid
12 must be protected on the inside. Suitable materials may include vertical bars spaced narrower
13 than the width of the body of the smallest raptor you house in the enclosure. However, heavy-
14 duty netting or other such materials may be used to cover the walls or roof of the enclosure.

15 (2) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered
16 side by side. Other innovative housing systems are acceptable if they provide the enclosed
17 raptors with protection and maintain healthy feathers.

18 (C) You may keep a falconry raptor or raptors inside your place of residence if you provide
19 a suitable perch or perches. If you house your raptor(s) inside your home, you do not need to
20 modify windows or other openings of the structure. Raptors kept in your home must be tethered
21 when they are not being moved into or out of the location in which they are kept.

22 (D) An outdoor facility must be totally enclosed, and may be made of heavy-gauge wire,
23 heavy-duty plastic mesh, slats, pipe, wood, or other suitable material.

24 (1) The facility must be covered and have at least a covered perch to protect a raptor held in
25 it from predators and weather.

26 (2) The facility must be large enough to insure that the birds cannot strike the enclosure
27 when flying from the perch.

28 (3) New types of housing facilities and/or husbandry practices may be used if they satisfy
29 the requirements above and are approved by the State, tribal, or territorial authority regulating
30 falconry.

1 (iii) You may keep falconry raptors outside in the open if they are under watch, such as by
2 you or a family member at any location or, for example, by a designated individual in a
3 weathering yard at a falconry meet.

4 (iv) You must inform your State, tribal, or territorial agency within 5 business days if you
5 change the location of your facilities.

6 (2) *Falconry facilities on property you do not own* —(i) Your falconry facilities may be on
7 property owned by another person where you reside, or at a different location. Regardless of
8 location, the facilities must meet the standards in paragraph (d)(1) of this section and those of the
9 State, tribe, or territory from which you have a falconry permit.

10 (ii) You must submit to your State, tribal, or territorial agency that regulates falconry a
11 signed and dated statement showing that you agree that the falconry facilities and raptors may be
12 inspected without advance notice by State, tribal (if applicable), or territorial authorities at any
13 reasonable time of day, but you must be present. If your facilities are not on property that you
14 own, you must submit a signed and dated statement showing that the property owner agrees that
15 the falconry facilities and raptors may be inspected by State, tribal (if applicable), or territorial
16 authorities at any reasonable time of day in the presence of the property owner; except that the
17 authorities may not enter the facilities or disturb the raptors unless you are present.

18 (3) *Equipment you must have and maintain.* You must have jesses or the materials and
19 equipment to make them, leash and swivel, bath container, and appropriate scales or balances for
20 weighing raptor(s) you possess.

21 (4) *Facilities you must have for a raptor when you are transporting it, using it for hunting,*
22 *or are away from your home with it.* You must be sure that the bird has a suitable perch and is
23 protected from extreme temperatures, wind, and excessive disturbance. A “giant hood” or similar
24 container is acceptable for transporting or housing a raptor when you are away from the
25 permanent facility where it is housed.

26 (5) *Temporarily housing a raptor outside of your permanent facilities when you are not*
27 *transporting it or using it for hunting.* You may house a raptor in temporary facilities for no
28 more than 120 consecutive calendar days if the bird has a suitable perch and is protected from
29 predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

30 (6) *Care of falconry raptors by another falconry permittee .* Another falconry permittee may
31 care for a raptor or raptors for you at your facilities or at that person's facilities for up to 120
32 consecutive calendar days. The other person must have a signed and dated statement from you

1 authorizing the temporary possession, plus a copy of FWS form 3-186A that shows that you are
2 the possessor of each of the raptors. The statement must include information about the time
3 period for which he or she will keep the raptor(s), and about what he or she is allowed to do with
4 it or them.

5 (i) Your raptor(s) will remain on your falconry permit, and will not be counted against the
6 possession limit of the person caring for your raptors.

7 (ii) If the person caring for your raptor(s) holds the appropriate level falconry permit, he or
8 she may fly your raptor(s) in whatever way you authorize, including hunting.

9 (iii) This care of your raptors may be extended indefinitely in extenuating circumstances,
10 such as illness, military service, or for a family emergency. The State, tribe, or territory may
11 consider such instances on a case-by-case basis.

12 (7) *Care of falconry raptors by someone who does not have a falconry permit.* Another
13 person may care for falconry birds you possess at your facilities for up to 45 consecutive
14 calendar days.

15 (i) The raptor(s) will remain on your falconry permit.

16 (ii) The raptors must remain in your facilities.

17 (iii) This care may be extended indefinitely in extenuating circumstances, such as illness,
18 military service, or for a family emergency.

19 (iv) The person(s) caring for your raptors may not fly them for any reason.

20 (8) *Residence part of the year in another jurisdiction.* (i) The State, tribe, or territory in
21 which you live part-time may require that you obtain its falconry permit. You must contact the
22 State, tribal, or territorial agency that regulates falconry to determine whether you need a permit.

23 (ii) If you live for more than 120 consecutive days in a State or territory or on tribal lands
24 other than where you maintain your primary residence, your falconry facilities in the second
25 State must meet the standards in this section.

26 (9) *Inspections.* Falconry equipment and records may be inspected in the presence of the
27 permittee during business hours on any day of the week by State, tribal, or territorial officials.

28 (e) *Taking, possessing, and transporting raptors for falconry* —(1) *Raptor species you may*
29 *take from the wild to use for falconry.* (i) You may not intentionally capture a raptor species that
30 your classification as a falconer does not allow you to possess for falconry. If you capture a bird
31 you are not allowed to possess, you must release it immediately.

1 (ii) On some tribal lands and in some States there may be State, tribal, or Federal restrictions
2 on the take or use of these species, and you may need a tribal or State permit or permits to
3 capture a bird.

4 (iii) State, tribal, or territorial regulations on take may be more restrictive than those in this
5 section.

6 (iv) Take of any species must be in compliance with these regulations.

7 (v) If you are a Master Falconer and your State, tribe, or territory allows you to possess
8 golden eagles, in any year you may take up to two golden eagles from the wild and only in a
9 livestock depredation area during the time the depredation area and associated depredation
10 permit or depredation control order are in effect. A livestock depredation area is declared by
11 USDA Wildlife Services and permitted under §22.23, or upon the request of a State governor
12 and authorized by the Service Director pursuant to §§22.31 and 22.32.

13 (2) *How and when you may take raptors from the wild to use in falconry.* You may take no
14 more than two raptors from the wild each year to use in falconry.

15 (i) If you transfer a bird you take from the wild to another permittee in the same year in
16 which you capture it, the bird will count as one of the raptors you are allowed to take from the
17 wild that year; it will not count as a capture by the recipient, though it will always be considered
18 a wild bird.

19 (ii) If you are a General or Master Falconer, you may remove nestlings from a nest or aerie
20 in accordance with tribal (if applicable), State, territorial, and Federal restrictions.

21 (iii) You may not take raptors at any time or in any manner that violates any law of the
22 State, tribe, or territory on whose land you are trapping.

23 (iv) If you are responsible for reporting take of a raptor from the wild, you can report by
24 entering the required information in the electronic database at <http://permits.fws.gov/186A> or by
25 submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry.
26 You must do this at your first opportunity to do so, but no later than 10 days after the capture of
27 the bird.

28 (v) If you are present at the capture site, even if another person captures the bird for you,
29 you are considered the person who removes the bird from the wild. You are responsible for filing
30 a 3-186A form reporting take of the bird from the wild. This would occur, for example, if
31 another person climbs a tree or rappells down a cliff and takes a nestling for you and gives it to
32 you at the tree or cliff.

1 (vi) If you are not at the immediate location where the bird is taken from the wild, the
2 person who removes the bird from the wild must be a General or Master Falconer, and must
3 report take of the bird. If that person then transfers the bird to you, you must both file 3-186A
4 forms reporting the transaction at your first opportunity to do so, but no later than 10 days after
5 the transfer. The bird will count as one of the two raptors the person who took it from the wild is
6 allowed to capture in any year. The bird will not count as a bird you took from the wild. The
7 person who takes the bird from the wild must report the take even if he or she promptly transfers
8 the bird to you.

9 (vii) If you have a long-term or permanent physical impairment that prevents you from
10 attending the capture of a species you can use for falconry, a General or Master Falconer may
11 capture a bird for you. You are then responsible for filing a 3-186A form reporting take of the
12 bird from the wild, and the bird will count against the take of wild raptors that you are allowed in
13 any year.

14 (viii) You must promptly release any bird you capture unintentionally.

15 (3) *Other restrictions on taking raptors from the wild for falconry.* (i) If you are a General or
16 Master Falconer, you may take only raptors less than 1 year of age from the wild during any
17 period or periods specified by the State, tribe, or territory. However, you may take an American
18 kestrel or great horned owl of any age from the wild during any period or periods specified by
19 the State, tribe, or territory.

20 (ii) If you are a Master Falconer authorized to possess golden eagles for use in falconry, you
21 may capture a golden eagle in a livestock or wildlife depredation area during the time the
22 depredation area and associated depredation permit or depredation control order are in effect.

23 (A) You may capture an immature or subadult golden eagle.

24 (B) You may take a nestling from its nest in a livestock depredation area if a biologist
25 representing the agency responsible for declaring the depredation area has determined that the
26 adult eagle is preying on livestock or wildlif

27 (C) You may take a nesting adult golden eagle only if a biologist representing the agency
28 responsible for declaring the depredation area has determined that the adult eagle is preying on
29 livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to
30 possess it or by the biologist and transferred to an individual authorized to possess it.

1 (D) You must determine the locations of the livestock or wildlife depredation areas declared
 2 by USDA Wildlife Services, or published in the Federal Register by the Service in response to a
 3 State governor's request. We will not notify you about them.

4 (E) Before you begin any trapping activities, you must inform our regional Law
 5 Enforcement office of your capture plans. You must notify the offices in person, in writing, or
 6 via facsimile or email at least 3 business days before you start trapping. You may send an email
 7 to with your trapping plans to *lawenforcement@fws.gov* , or

If you plan to trap a golden eagle in	you must notify
(1) California, Idaho, Nevada, Oregon, or Washington,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement 911 NE 11th Avenue Portland, Oregon 97232-4181 503-231-6125 facsimile 503-231-6197
(2) Arizona, New Mexico, Oklahoma, or Texas,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 329 Albuquerque, New Mexico 87103 505-248-7889 facsimile 505-248-7899
(3) Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, or Wisconsin,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 45 Federal Building Fort Snelling, Minnesota 55111-0045 612-713-5320 facsimile 612-713-5283
(4) Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, or Tennessee,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 49226 Atlanta, Georgia 30359 404-679-7057 facsimile 404-679-7065
(5) Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, or West Virginia,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 659 Hadley, Massachusetts 01035-0659 413-253-8274 facsimile 413-253-8459

(6) Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, or Wyoming,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 25486 Denver Federal Center (60130) Denver, Colorado 80225-0486 303-236-7540 facsimile 303-236-7901
(7) Alaska,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement 1011 East Tudor Road Suite 155 Anchorage, Alaska 99503-6199 907-786-3311 facsimile 907-786-3313

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(F) You also must meet all requirements of the State or territory in which you plan to trap, or the tribe on whose lands you plan to trap.

(G) You must have permission from the landowner to capture an eagle; or if you wish to capture one on public land, the responsible agency must allow it.

(iii) You may recapture a falconry bird you have lost at any time. We do not consider recapture of a wild bird to be taking a bird from the wild.

(iv) You may recapture a raptor wearing falconry equipment or a captive-bred bird at any time - even if you are not allowed to possess the species. The bird will not count against your possession limit, nor will its take from the wild count against your limit. You must report your recapture of the bird to your State, tribal, or territorial agency that regulates falconry no more than 5 working days after the recapture. You must return a recaptured falconry bird to the person who lost it, if that person may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the State, tribe, or territory.

(v) You may take any raptor that you are authorized to possess from the wild if the bird is banded with a Federal Bird Banding Laboratory aluminum band except that you may not take a banded peregrine falcon from the wild.

(A) If a raptor (including a peregrine falcon) you capture is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird, you must report your capture of the bird to your State, tribal, or territorial agency that regulates falconry no more than 5 working days after the capture. You must return a recaptured falconry bird to the person who

1 lost it. If that person cannot possess the bird or does not wish to possess it, you may keep it.
2 Otherwise, disposition of a bird whose legal possession cannot be determined will be at the
3 discretion of the State, tribe, or territory. While you keep a bird for return to the person who lost
4 it, the bird will not count against your possession limit or your limit on take of raptors from the
5 wild if you have reported possessing the bird to your State, tribal, or territorial falconry permit
6 office.

7 (B) If you capture a peregrine falcon that has a research band (such as a colored band with
8 alphanumeric codes) or a research marking attached to it, you must immediately release the bird,
9 except that if the falcon has a transmitter attached to it, you are authorized to possess the bird up
10 to 30 days if you wish to contact the researcher to determine if he or she wishes to replace the
11 transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed,
12 the researcher or his or her designee can make the change or allow you to do so before you
13 release the bird. If the researcher does not wish to keep the transmitter on the falcon, you may
14 keep the bird if you captured it in circumstances in which capture of wild peregrines is allowed.

15 (C) If a raptor you capture has any other band, research marking, or transmitter attached to
16 it, you must promptly report the band numbers and all other relevant information to the Federal
17 Bird Banding Laboratory at 1-800-327-2263.

18 (1) You may contact the researcher and determine if he or she wishes to replace a
19 transmitter attached to a bird you capture. If so, you are authorized to possess the bird up to 30
20 days until the researcher or his or her designee does so, or until you can replace it yourself.
21 Disposition of the bird will be at the discretion of the researcher and your State, tribal, or
22 territorial agency that regulates falconry.

23 (2) If you possess such a bird temporarily, it will not count against your possession limit
24 for falconry raptors.

25 (vi) You must leave at least one young from any nest or aerie from which you take a
26 nestling.

27 (vii) If you are an Apprentice Falconer, you may not take a nestling from the wild.

28 (viii) If you are a Master Falconer with a permit to do so, you may take, transport, or
29 possess up to three eagles, including golden eagles, white-tailed eagles, or Steller's sea-eagles,
30 subject to the requirements in paragraph (c)(3)(iv) of this section and §22.24 of this part. A
31 golden eagle, white-tailed eagle, or Steller's sea-eagle you possess counts as a bird to be included
32 under your possession limit.

1 (ix) If you are a General or Master Falconer, you may take no more than one bird of a
2 threatened species from the wild each year if the regulations in part 17 of this subchapter allow it
3 and if you obtain a Federal endangered species permit to do so before you take the bird. You also
4 may need a State, tribal, or territorial endangered species permit to take a listed species.

5 (4) *Take of a species or subspecies that was recently removed from the Federal List of*
6 *Endangered and Threatened Wildlife to use in falconry.* We must first publish a management
7 plan for the species. If take is allowed in the management plan, you may do so in accordance
8 with the provisions for take in the plan.

9 (5) *Raptors injured due to falconer trapping efforts.* You have two options for dealing with
10 a bird injured by your trapping efforts. In either case, you are responsible for the costs of care
11 and rehabilitation of the bird.

12 (i) You may put the bird on your falconry permit. You must report take of the bird by
13 entering the required information in the electronic database at <http://permits.fws.gov/186A> or by
14 submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry
15 at your first opportunity to do so, but no more than 10 days after capture of the bird. You must
16 then have the bird treated by a veterinarian or a permitted wildlife rehabilitator. The bird will
17 count against your possession limit.

18 (ii) You may give the bird directly to a veterinarian, or a permitted wildlife rehabilitator, or
19 an appropriate wildlife agency employee. If you do so, it will not count against your allowed take
20 or the number of raptors you may possess.

21 (6) *Acquisition, transfer, loss, or rebanding of a raptor.* (i) If you acquire a raptor; transfer,
22 reband, or microchip a raptor; if a raptor you possess is stolen; if you lose a raptor to the wild
23 and you do not recover it within 30 days; or if a bird you possess for falconry dies; you must
24 report the change within 10 days by entering the required information in the electronic database
25 at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to your State, tribal, or
26 territorial agency that governs falconry.

27 (ii) If a raptor you possess is stolen, you must report the theft to your State, tribal, or
28 territorial agency that regulates falconry and to your Fish and Wildlife Service Regional Law
29 Enforcement office (see paragraph (e)(3)(ii)(E) of this section) within 10 days of the theft of the
30 bird.

1 (iii) You must keep copies of all electronic database submissions documenting take,
2 transfer, loss, rebanding or microchipping of each falconry raptor until 5 years after you have
3 transferred or lost the bird, or it has died.

4 (7) *Acquiring a bird for falconry from a permitted rehabilitator.* You may acquire a raptor
5 of any age of a species that you are permitted to possess directly from a rehabilitator. Transfer to
6 you is at the discretion of the rehabilitator.

7 (i) If you acquire a bird from a rehabilitator, within 10 days of the transaction you must
8 report it by entering the required information in the electronic database at
9 <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to your State, tribal, or
10 territorial agency that governs falconry.

11 (ii) If you acquire a bird from a rehabilitator, it will count as one of the raptors you are
12 allowed to take from the wild that year.

13 (8) *Flying a hybrid raptor in falconry.* When flown free, a hybrid raptor must have attached
14 at least two functioning radio transmitters to help you to locate the bird.

15 (9) *Releasing a falconry bird to the wild.* You must follow all applicable State or territorial
16 and Federal laws and regulations before releasing a falconry bird to the wild.

17 (i) If the raptor you wish to release is not native to the State or territory, or is a hybrid of any
18 kind, you may not permanently release the bird to the wild. You may transfer it to another
19 falconry permittee.

20 (ii) If the species you wish to release is native to the State or territory and is captive-bred,
21 you may not release the bird to the wild unless you have permission from the State, tribe, or
22 territory to release the bird. If you are permitted to do so, you must hack the bird (allow it to
23 adjust) to the wild at an appropriate time of year and an appropriate location. You must remove
24 its falconry band (if it has one) and report release of the bird by entering the required information
25 in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A
26 to your State, tribal, or territorial agency that governs falconry.

27 (iii) If the species you wish to release is native to the State and was taken from the wild, you
28 may release the bird only at an appropriate time of year and an appropriate location. You must
29 remove its falconry band and report release of the bird by entering the required information in
30 the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to
31 your State, tribal, or territorial agency that governs falconry.

1 (10) *Restrictions on transfers of falconry raptors from other falconers.* We do not restrict
2 the number of wild-caught or captive-bred raptors transferred to you, but you may not exceed
3 your possession limit.

4 (f) *Additional information on the practice of falconry —(1) Raptors removed from the wild*
5 *for falconry are always considered “wild” raptors.* No matter how long such a bird is held in
6 captivity or whether it is transferred to another permittee or permit type, it is always considered a
7 “wild” bird. However, it is considered to be taken from the wild only by the person who
8 originally captured it. We do not consider the raptor to be taken from the wild by any subsequent
9 permittee to whom it is legally transferred.

10 (2) *“Hacking” of falconry raptors .* Hacking (temporary release to the wild) is an approved
11 method for falconers to condition raptors for falconry. If you are a General Falconer or a Master
12 Falconer, you may hack a falconry raptor or raptors.

13 (i) You may need permission from your State, tribal, or territorial wildlife agency to hack a
14 bird you possess for falconry. Check with your State, tribal, or territorial agency that regulates
15 falconry to determine if hacking is allowed.

16 (ii) Any bird you are hacking counts against your possession limit and must be a species you
17 are authorized to possess.

18 (iii) Any hybrid you hack must have two attached functioning radio transmitters during
19 hacking.

20 (iv) You may not hack a falconry bird near a nesting area of a Federally threatened or
21 endangered bird species or in any other location where the raptor is likely to harm a Federally
22 listed threatened or endangered animal species that might be disturbed or taken by your falconry
23 bird. You should contact your State or territorial wildlife agency before hacking a falconry bird
24 to ensure that this does not occur. You can contact the State Fish and Wildlife Service office in
25 your State or territory for information on Federally-listed species.

26 (3) *Use of other falconry training or conditioning techniques.* You may use other acceptable
27 falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures,
28 balloons, or kites in training or conditioning falconry raptors. You also may fly falconry birds at
29 bird species not protected under the Migratory Bird Treaty Act or at pen-raised animals.

30 (4) *Selling or trading raptors under a falconry permit.* (i) If allowed by your State, tribe or
31 territory, you may sell, purchase, or barter, or offer to sell, purchase, or barter captive-bred
32 raptors marked with seamless bands to other permittees who are authorized to possess them.

1 (ii) You may not purchase, sell, trade, or barter wild raptors. You may only transfer them.

2 (5) *Transfer of wild-caught raptors captured for falconry to another type of permit.* Under
3 some circumstances you may transfer a raptor to another permit type if the recipient of the bird
4 (which could be you) possesses the necessary permits for the other activity.

5 (i) If your State, tribe, or territory allows you to do so, you may transfer a wild-caught
6 falconry bird to a raptor propagation permit after the bird has been used in falconry for at least 2
7 years (1 year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel).
8 When you transfer the bird, you must provide a copy of the 3-186A form documenting
9 acquisition of the bird by the propagator to the Federal migratory bird permit office that
10 administers the propagation permit.

11 (ii) You may transfer a wild-caught bird to another permit type in less than 2 years (1 year
12 for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel) if the bird has been
13 injured and a veterinarian or permitted wildlife rehabilitator has determined that the bird can no
14 longer be flown for falconry.

15 (A) Within 10 days of transferring the bird , you must provide a copy of the 3-186A form
16 documenting acquisition of the bird to the Federal migratory bird permit office that administers
17 the other permit type.

18 (B) When you transfer the bird, you must provide a copy of the certification from the
19 veterinarian or rehabilitator that the bird is not useable in falconry to the Federal migratory bird
20 permits office that administers the other permit type.

21 (6) *Transfer of captive-bred falconry raptors to another type of permit .* You may transfer
22 captive-bred falconry raptors if the holder of the other permit type is authorized to possess the
23 bird(s). Within 10 days you must report the transfer by entering the required information in the
24 electronic database at <http://permits.fws.gov/186A> or by submitting a standard paper form 3-
25 186A to your State, tribal, or territorial agency that governs falconry.

26 (7) *Use of raptors held under a falconry permit in captive propagation .* You may use
27 raptors you possess for falconry in captive propagation if you or the person overseeing the
28 propagation has the necessary permit(s) (see §21.30). You do not need to transfer a bird from
29 your falconry permit if you use it for fewer than 8 months in a year in captive propagation, but
30 you must do so if you permanently transfer the bird for propagation. The bird must then be
31 banded as required in §21.30.

1 (8) *Use of falconry raptors in conservation education programs* . If you are a General or
2 Master Falconer, you may use a bird you possess in conservation education programs presented
3 in public venues.

4 (i) You do not need a Federal education permit to conduct conservation education activities
5 using a falconry raptor held under a State, tribal, or territorial falconry permit.

6 (ii) You may present conservation programs as an Apprentice Falconer if you are under the
7 supervision of a General or Master Falconer when you do so.

8 (iii) You must use the bird primarily for falconry.

9 (iv) You may charge a fee for presentation of a conservation education program. The fee
10 may not exceed the amount required to recoup your costs.

11 (v) In conservation education programs, you must provide information about the biology,
12 ecological roles, and conservation needs of raptors and other migratory birds, although not all of
13 these topics must be addressed in every presentation. You may not give presentations that do not
14 address falconry and conservation education.

15 (vi) You are responsible for all liability associated with conservation education activities
16 you undertake (*see* 50 CFR 13.50).

17 (9) *Other educational uses of falconry raptors* . You may allow photography, filming, or
18 other such uses of falconry raptors to make movies or other sources of information on the
19 practice of falconry or on the biology, ecological roles, and conservation needs of raptors and
20 other migratory birds, though you may not be paid for doing so.

21 (i) You may not use falconry raptors to make movies, commercials, or in other commercial
22 ventures that are not related to falconry.

23 (ii) You may not use falconry raptors for commercial entertainment; for advertisements; as a
24 representation of any business, company, corporation, or other organization; or for promotion or
25 endorsement of any products, merchandise, goods, services, meetings, or fairs, with the
26 following exceptions:

27 (A) You may use a falconry raptor to promote or endorse a nonprofit falconry organization
28 or association.

29 (B) You may use a falconry raptor to promote or endorse products or endeavors related to
30 falconry, including, but not limited to items such as hoods, telemetry equipment, giant hoods,
31 perches, materials for raptor facilities, falconry training and education materials, and scientific
32 research and publication.

1 (10) *Assisting in rehabilitation of raptors to prepare them for release* . If your State, tribe,
2 or territory allows you to do so, and if you are a General or Master Falconer, you may assist a
3 permitted migratory bird rehabilitator to condition raptors in preparation for their release to the
4 wild. You may keep a bird you are helping to rehabilitate in your facilities.

5 (i) The rehabilitator must provide you with a letter or form that identifies the bird and
6 explains that you are assisting in its rehabilitation.

7 (ii) You do not need to meet the rehabilitator facility standards. You need only meet the
8 facility standards in this section; your facilities are not subject to inspection for compliance with
9 the standards in §21.31.

10 (iii) You do not have to add any raptor you possess for this purpose to your falconry permit;
11 it will remain under the permit of the rehabilitator.

12 (iv) You must return any such bird that cannot be permanently released to the wild to the
13 rehabilitator for placement within the 180–day timeframe in which the rehabilitator is authorized
14 to possess the bird, unless the issuing office authorizes you to retain the bird for longer than 180
15 days.

16 (v) Upon coordination with the rehabilitator, you must release all releaseable raptors to the
17 wild or return them to the rehabilitator for release within the 180–day timeframe in which the
18 rehabilitator is authorized to possess the birds, unless the issuing office authorizes you to retain
19 and condition a bird for longer than 180 days, or unless the rehabilitator transfers the bird to you
20 to hold under your falconry permit.

21 (11) *Using a falconry bird in abatement activities*. (i) If you are a Master Falconer, you may
22 conduct abatement activities with a bird or birds you possess for falconry, if you have a Special
23 Purpose Abatement permit. If you are a General Falconer, you may conduct abatement activities
24 only as a subpermittee of the holder of the abatement permit.

25 (ii) You may receive payment for providing abatement services if you have a Special
26 Purpose Abatement permit.

27 (12) *Feathers that a falconry bird or birds molts*. (i) For imping (replacing a damaged
28 feather with a molted feather), you may possess flight feathers for each species of raptor you
29 possess or previously held for as long as you have a valid falconry permit. You may receive
30 feathers for imping from other permitted falconers, wildlife rehabilitators, or propagators in the
31 United States, and you may give feathers to them. You may not buy, sell, or barter such feathers.

1 (ii) You may donate feathers from a falconry bird, except golden eagle feathers, to any
2 person or institution with a valid permit to have them, or to anyone exempt from the permit
3 requirement under §21.12.

4 (iii) Except for primary or secondary flight feathers or retrices from a golden eagle, you are
5 not required to gather feathers that are molted or otherwise lost by a falconry bird. You may
6 leave the feathers where they fall, store them for imping, or destroy them. However, you must
7 collect molted flight feathers and retrices from a golden eagle. If you choose not to keep them for
8 imping, you must send them to the National Eagle Repository.

9 (iv) We request that you send all feathers (including body feathers) that you collect from
10 any falconry golden eagle and that you do not need for imping, to the National Eagle Repository
11 at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky
12 Mountain Arsenal, Building 128, Commerce City, Colorado 80022. The telephone number at the
13 Repository is 303-287-2110.

14 (v) If your permit expires or is revoked, you must donate the feathers of any species of
15 falconry raptor except a golden eagle to any person or any institution exempt from the permit
16 requirement under §21.12 or authorized by permit to acquire and possess the feathers. If you do
17 not donate the feathers, you must burn, bury, or otherwise destroy them.

18 (13) *Disposition of carcasses of falconry birds that die.* (i) You must send the entire body of
19 a golden eagle you held for falconry, including all feathers, talons, and other parts, to the
20 National Eagle Repository.

21 (ii) You may donate the body or feathers of any other species of falconry raptor to any
22 person or institution exempt under §21.12 or authorized by permit to acquire and possess such
23 parts or feathers.

24 (iii) If the bird was banded or microchipped prior to its death, you may keep the body of any
25 falconry raptor except that of a golden eagle. You may keep the body so that the feathers are
26 available for imping, or you may have the body mounted by a taxidermist. You may use the
27 mount in giving conservation education programs. If the bird was banded, you must leave the
28 band on the body. If the bird has an implanted microchip, you must leave the microchip in place.

29 (iv) If you do not wish to donate the bird body or feathers or keep it yourself, you must
30 burn, bury, or otherwise destroy it or them within 10 days of the death of the bird or after final
31 examination by a veterinarian to determine cause of death. Carcasses of euthanized raptors could

1 pose a risk of secondary poisoning of eagles and other scavengers. You must take appropriate
2 precautions to avoid such poisonings.

3 (v) If you do not donate the bird body or feathers or have the body mounted by a
4 taxidermist, you may possess the flight feathers for as long as you have a valid falconry permit.
5 However, you may not buy, sell, or barter the feathers. You must keep the paperwork
6 documenting your acquisition of the bird.

7 (14) *Visitors practicing falconry in the United States.* (i) A visitor to the United States may
8 qualify for a temporary falconry permit appropriate for his or her experience.

9 (A) The permit may be valid for any period specified by the State, tribe, or territory.

10 (B) To demonstrate knowledge of U.S. falconry laws and regulations, the visitor must
11 correctly answer at least 80 percent of the questions on the supervised examination for falconers
12 administered by the tribe, State, or territory from which he or she wishes to obtain a temporary
13 falconry permit. If the visitor passes the test, the tribe, State, or territory will decide for what
14 level of temporary permit the person is qualified. The decision should be based on the
15 individual's documentation of his or her experience.

16 (C) If you hold a temporary falconry permit, you may possess raptors for falconry if you
17 have approved falconry facilities.

18 (D) A holder of a temporary falconry permit may fly raptors held for falconry by a permitted
19 falconer.

20 (E) A holder of a temporary falconry permit may not take a bird from the wild to use in
21 falconry.

22 (ii) For the duration of a permit from a State, tribe, or territory, a visitor may use any bird
23 for falconry that he or she possess legally in his or her country of residence for that purpose,
24 provided that import of that species to the United States is not prohibited, and provided that he or
25 she has met all permitting requirements of his or her country of residence.

26 (A) A visitor must comply with the provisions in this section, those of the State, tribe or
27 territory where he or she wishes to conduct falconry, and all States through which he or she will
28 travel with the bird.

29 (B) The visitor may transport registered raptors. He or she may need one or more additional
30 permits to bring a raptor into the United States or to return home with it (*see* 50 CFR part 14
31 (importation, exportation, and transportation of wildlife), part 15 (Wild Bird Conservation Act),

1 part 17 (endangered and threatened species), part 21 (migratory bird import and export permits),
2 and part 23 (endangered species convention)).

3 (C) Unless the visitor has the necessary permit(s) to bring a raptor into the United States and
4 leave it here, he or she must take raptors brought into the country for falconry out of the country
5 when he or she leaves. If a raptor brought into the United States dies or is lost while in this
6 country, the visitor must document the loss before leaving the United States by reporting the loss
7 to the State, tribal, or territorial agency that governs falconry where the bird was lost.

8 (D) When flown free, any bird brought to this country temporarily must have two attached
9 radio transmitters that will allow the falconer to locate it.

10 (E) There also may be tribal or State restrictions on nonresidents practicing falconry or
11 importing a raptor or raptors held for falconry.

12 (15) *Taking falconry raptors to another country to use in falconry activities* . A permit
13 issued under this section authorizes you to export and then import raptors you legally possess for
14 falconry to another country to use in falconry without an additional migratory bird import/export
15 permit issued under §21.21.

16 (i) You must meet any requirements in 50 CFR 14 subpart B.

17 (ii) You may need one or more additional permits to take a bird from the United States or to
18 return home with it (*see* 50 CFR part 15 (Wild Bird Conservation Act), part 17 (endangered and
19 threatened species), and part 23 (endangered species convention)).

20 (iii) Unless you have the necessary permit(s) to permanently export a raptor from the United
21 States, you must bring any raptor you take out of the country for falconry back to the United
22 States when you return. Each raptor must be covered by a CITES certificate of ownership issued
23 under part 23 of this chapter. You must have full documentation of the lawful origin of each
24 raptor (a copy of a propagation report with band number or a 3-186A report), and each must be
25 identifiable with a seamless band or a permanent, nonreusable, numbered Fish and Wildlife
26 Service leg band issued by the Service or an implanted microchip for identification.

27 (iv) If the raptor dies or is lost, you are not required to bring it back but must report the loss
28 immediately upon your return to the United States in the manner required by the falconry
29 regulations of your State, and any conditions on your CITES certificate.

30 (16) *Permission to capture, fly, or release a falconry bird at any location*. You do not need
31 special or written permission for any of these activities on public lands if it is authorized.
32 However, you must comply with all applicable Federal, State, tribal, or territorial laws regarding

falconry activities, including hunting. Your falconry permit does not authorize you to capture or release raptors or practice falconry on public lands if it is prohibited on those lands, or on private property, without permission from the landowner or custodian.

(17) *Practicing falconry in the vicinity of a Federally listed threatened or endangered animal species.* In practicing falconry you must ensure that your activities do not cause the take of Federally listed threatened or endangered wildlife. “Take” under the Endangered Species Act means “to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct” (Endangered Species Act §3(18)). Within this definition, “harass” means any act that may injure wildlife by disrupting normal behavior, including breeding, feeding, or sheltering, and harm” means an act that actually kills or injures wildlife (50 CFR 17.3). To obtain information about threatened or endangered species that may occur in your State or on tribal lands where you wish to practice falconry, contact your State, tribal, or territorial agency that regulates falconry. You can contact your State Fish and Wildlife Service office for information on Federally-listed species.

(18) *Trapping a bird for use in falconry in areas used by the northern aplomado falcon.* Capture of a northern aplomado falcon (*Falco femoralis septentrionalis*) is not authorized because it is a violation of the Endangered Species Act. To avoid trapping northern aplomado falcons, you must comply with the following conditions when trapping a bird for use in falconry in the following counties.

If you trap in	You may trap a bird for falconry in the following counties if you comply with the conditions below.
(i) Arizona,	Cochise, Graham, Pima, Pinal, or Santa Cruz.
(ii) New Mexico,	Doa Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Sierra, or Socorro.
(iii) Texas,	Aransas, Brewster, Brooks, Calhoun, Cameron, Culberson, Duval, Ector, El Paso, Hidalgo, Hudspeth, Jackson, Jeff Davis, Kenedy, Kinney, Kleberg, Matagorda, Maverick, Midland, Nueces, Pecos, Presidio, Reeves, Refugio, San Patricio, Starr, Terrell, Val Verde, Victoria, Webb, Willacy, or Zapata.

(iv) If you are an Apprentice Falconer, you must be accompanied by a General or Master Falconer when trapping in one of these counties.

(v) You may not begin trapping if you observe a northern aplomado falcon in the vicinity of your intended trapping effort.

(vi) You must suspend trapping if a northern aplomado falcon arrives in the vicinity of your trapping effort.

1 (19) *Prey item killed by a falconry bird without your intent, including an animal taken*
2 *outside of a regular hunting season* . (i) You may allow your falconry bird to feed on the animal,
3 but you may not take the animal into your possession.

4 (ii) You must report take of any federally listed threatened or endangered species to our
5 Ecological Services Field Office for the location in which the take occurred.

6 (20) *Take of bird species for which a depredation order is in place* . With a falconry bird,
7 you may take any species listed in parts 21.43, 44, 45, or 46 of this subchapter at any time in
8 accordance with the conditions of the applicable depredation order, as long as you are not paid
9 for doing so.

10 (21) *Transfer of falconry raptors if a permittee dies* . A surviving spouse, executor,
11 administrator, or other legal representative of a deceased falconry permittee may transfer any
12 bird held by the permittee to another authorized permittee within 90 days of the death of the
13 falconry permittee. After 90 days, disposition of a bird held under the permit is at the discretion
14 of the authority that issued it.

15 (g) *Applying for a falconry permit* . If you apply for a falconry permit, you must include the
16 following information plus any other information required by your State, tribe, or territory.

17 (1) The completed application form from your State, tribal, or territorial agency that regulates
18 falconry permits.

19 (2) Proof that you have passed the falconry test administered by the State, tribe, or territory
20 where you maintain your legal residence, or proof that you have previously held a falconry
21 permit at the level you seek.

22 (3) For an Apprentice permit, you must provide the following:

23 (i) A letter from a General or Master Falconer stating that he or she has agreed to assist you
24 in learning about the husbandry and training of raptors held for falconry and about relevant
25 wildlife laws and regulations, and in deciding what species of raptor is appropriate for you to
26 possess while an Apprentice.

27 (ii) An original, signed certification that you are particularly familiar with §10.13 of this
28 subchapter, the list of migratory bird species to which the Migratory Bird Treaty Act applies;
29 part 13 of this subchapter, general permit regulations; part 21 of this subchapter, migratory bird
30 permits; and part 22 of this subchapter, eagle permits. The certification can be incorporated into
31 tribal and State application forms, and must be worded as follows:

1 *I certify that I have read and am familiar with the regulations in title 50, part 13, of the Code*
2 *of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50,*
3 *and that the information I have submitted is complete and accurate to the best of my knowledge*
4 *and belief. I understand that any false statement herein may subject me to the criminal penalties*
5 *of 18 U.S.C. 1001.*

6 (4) For an Apprentice or General Falconry permit, a parent or legal guardian must co-sign
7 your application if you are under 18.

8 (5) For a General Falconer permit:

9 (i) Information documenting your experience maintaining falconry raptors, including a
10 summary of what species you held as an Apprentice Falconer and how long you possessed each
11 bird, and

12 (ii) A letter from a General Falconer or Master Falconer (preferably your sponsor) attesting
13 that you have practiced falconry with raptor(s) at the Apprentice Falconer level for at least 2
14 years, including maintaining, training, flying, and hunting the raptor(s) for at least 4 months in
15 each year.

16 (6) For a Master Falconer permit, you must attest that you have practiced falconry at the
17 General Falconer level for at least 5 years.

18 (h) *Updating a falconry permit after a move.* If you move to a new State or outside the
19 jurisdiction of your tribe or territory and take falconry birds with you, within 30 days you must
20 inform both your former State, tribe, or territory and the permitting authority for your new place
21 of residence of your address change. To obtain a new falconry permit, you must follow the
22 permit application procedures of the authority under which you wish to acquire a new permit.
23 You may keep falconry birds you hold while you apply for a new falconry permit. However, the
24 State, tribe, or territory into which you move may place restrictions on your possession of
25 falconry birds until you meet the residency requirements there.

26 (i) *Restoration of revoked permits* . Upon request of the person whose permit has been
27 revoked, the State, tribe, or territory may restore the person's falconry permit at the end of the
28 revocation period.

29 (j) *Information collection requirements* . The information collection required for falconry
30 applications and for falconry bird disposition on FWS Form 3-186A is approved by the Office of
31 Management and Budget under control number 1018-0022. The information is necessary to
32 determine take of raptors from the wild for falconry.

1 (k) *Database required of States, tribes, and territories.* Each State, tribe, or territory that
2 permits falconry must maintain information in a database. The information will enable
3 enforcement of this section.

4 (1) The State, tribal, or territorial database must be compatible with the database that we
5 maintain. The State, tribal, or territorial database must contain the following information:

6 (i) The current address of each person with a falconry permit.

7 (ii) The classification of each person with a falconry permit - Apprentice Falconer, General
8 Falconer, or Master Falconer.

9 (iii) The address of the falconry facilities of each person with a falconry permit.

10 (iv) The Federal falconry identifier number assigned via the 3-186A system to each person
11 with a falconry permit.

12 (v) Whether each permittee is authorized to possess eagles.

13 (vi) Information on the status of each person's permit: whether it is active, suspended, or
14 revoked.

15 (2) Information on each permit granted, including changes in status from Apprentice
16 Falconer to General Falconer or General Falconer to Master Falconer, and moves of falconers or
17 their facilities must be entered into the State's, tribe's, or territory's database within 30 days of the
18 granting of the permit or a falconer's change in status. New additions to the State, tribal, or
19 territorial database must be forwarded to us monthly.

20
21 [73 FR 59465, Oct. 8, 2008, as amended at 74 FR 64640, Dec. 8, 2009; 75 FR 931, Jan. 7,
22 2010; 75 FR 3395, Jan. 21, 2010; 75 FR 81141, Dec. 27, 2010]

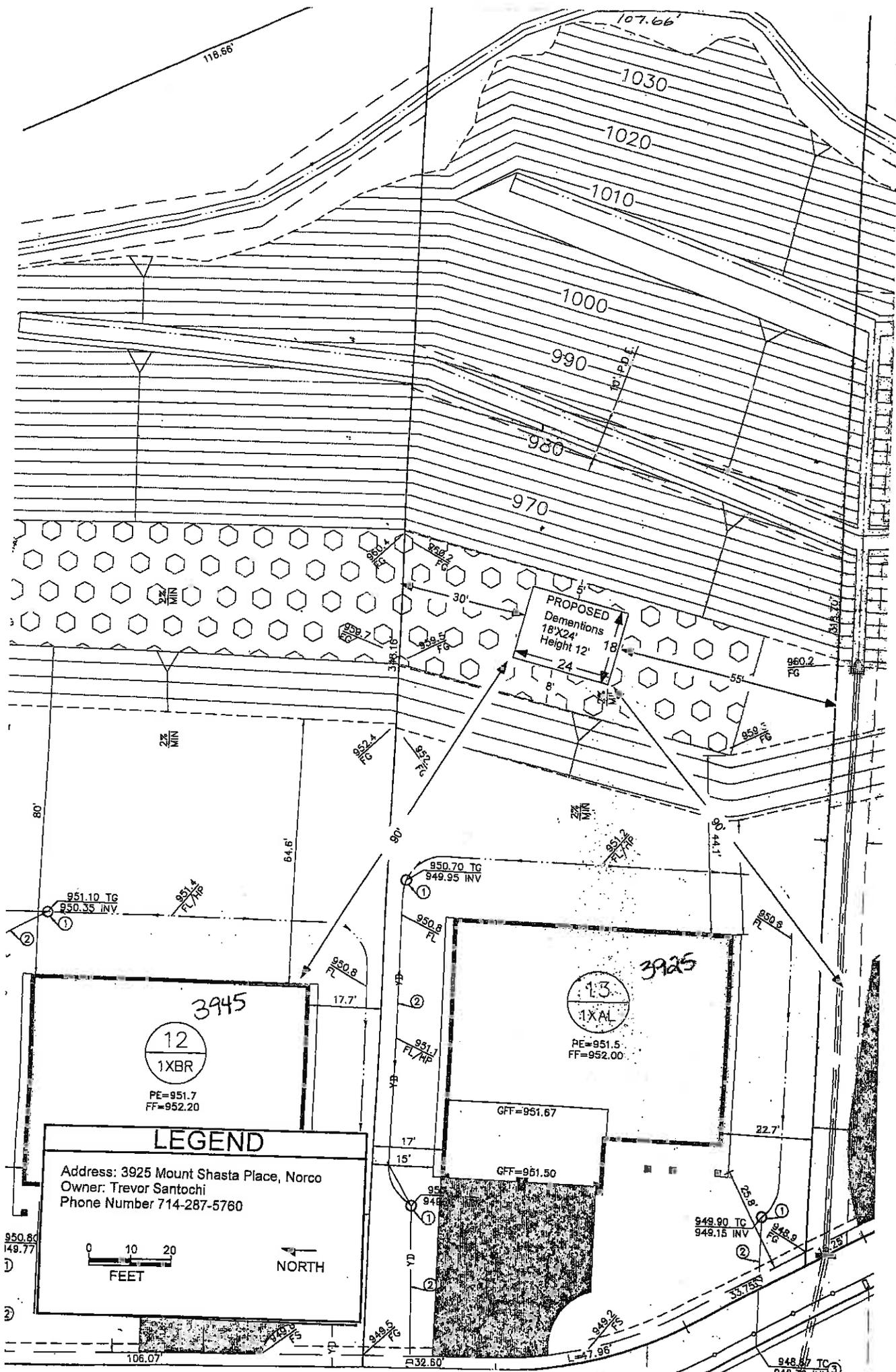
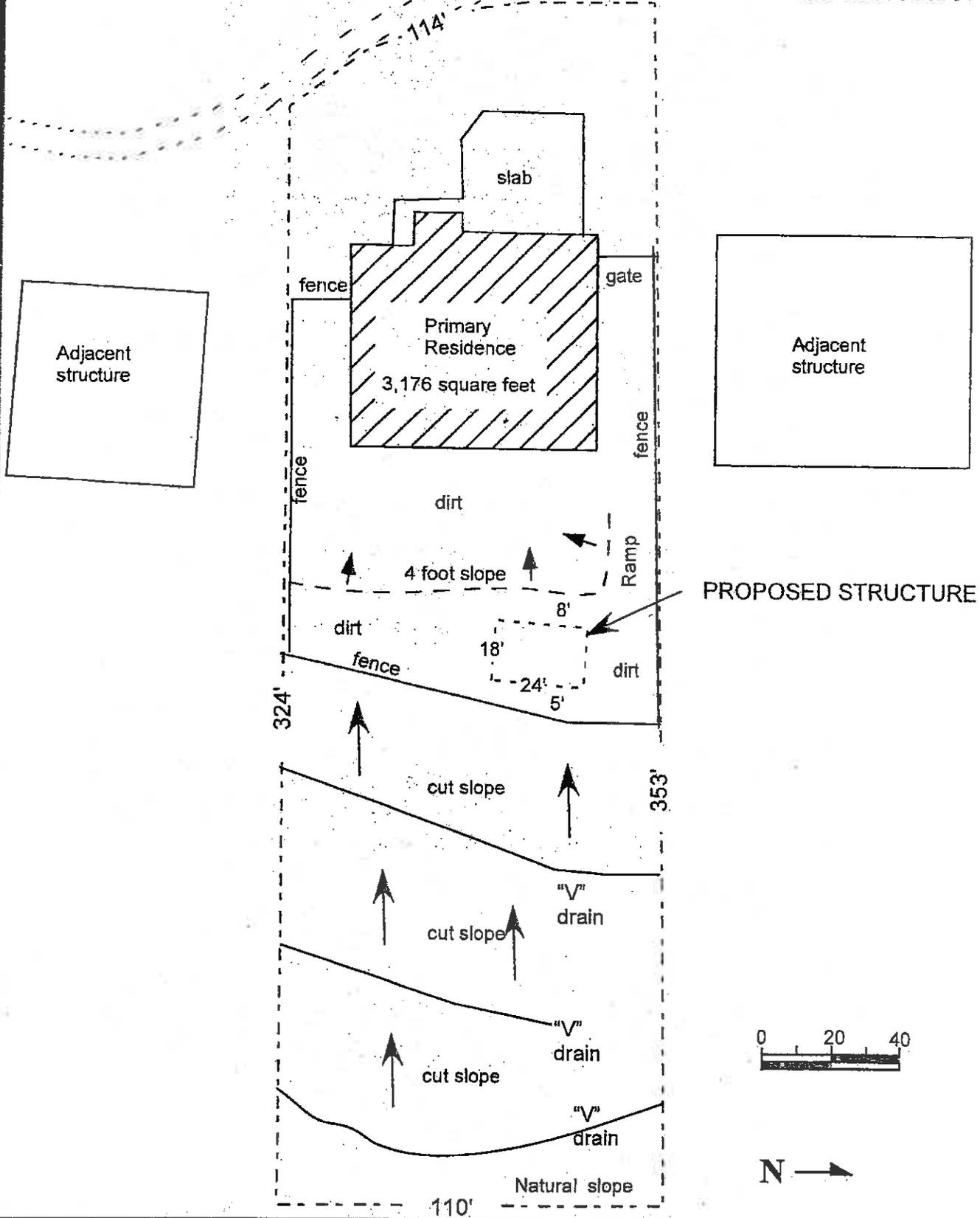


Exhibit "B"

MOUNT SHASTA PLACE

Riding trail



PROPOSED STRUCTURE

Site Address: 3925 Mount Shasta Place

Owner: Trevor Santochi 714-287-5760

Site City/State: Norco, California

FIGURE 1



PERMIT FOR WILD OR VICIOUS ANIMAL
2870 Clark Ave.
Norco, CA 92860

APPLICATION FOR MAINTENANCE PERMIT FOR WILD OR VICIOUS ANIMAL

TYPE OF PERMIT _____ PERMIT NO. _____

NEW _____ RENEWAL _____ EXPIRATION DATE _____

=====

INSTRUCTIONS: PRINT OR TYPE ALL INFORMATION REQUESTED AND SUBMIT TO THE ABOVE ADDRESS.

APPLICANT INFORMATION:

NAME TREVOR SANTOCHI PHONE 714-287-5760

STREET ADDRESS 3925 MT. SHASTA PLACE CITY NORCO

WORK PHONE NO. 714-836-6632 DRIVER'S LICENSE NO. N0039030

SEX: M FE _____ HAIR COLOR GRAY EYES BROWN HEIGHT 5'3" WEIGHT 185

BIRTHDATE 11/04/1954

A. STATE INDIVIDUAL FOR CONTACT IN EVENT OF AN EMERGENCY

NAME VICTOR SANTOCHI (BROTHER)

ADDRESS 2140 Sinaloa Ave CITY ALTADENA

HOME PHONE 626-794-7722 WORK PHONE 818-640-5581

B. LIST NUMBER AND GENERAL DESCRIPTION OF ANIMAL (S) FOR WHICH YOU ARE REQUESTING PERMIT:

1. CAPTIVE BRED FALCON (GYR/PEREGRINE) M FE _____

2. _____ M _____ FE _____

3. _____ M _____ FE _____

4. _____ M _____ FE _____

C. STATE OWNER OF PROPERTY OR PROPOSED LOCATION OF ANIMAL. (WRITTEN CONSENT OF PROPERTY OWNER WILL BE REQUIRED UPON SUBMISSION OF APPLICATION, IF OTHER THAN APPLICANT).

NAME TREVOR SANTOCHI

ADDRESS 3925 Mt. SHASTA PL CITY NORCO

HOME PHONE 714-287-5760 WORK PHONE 714-836-6632

D. STATE NATURE OF APPLICANT'S POSSESSORY INTEREST IN THE ANIMAL(S).

Falcon is used for the sport of falconry. I have been licensed as a falconer for approximately 35 years. I am qualified per the State of California and the US Fish and Wildlife service to practice the sport at the "Master" level. There are three levels, Apprentice, General and Master. Although I will be housing the bird in Norco, I release the bird in other areas of Riverside and San Bernardino County. The State will also inspect my facilities which will exceed their requirements.

E. STATE ANY INFORMATION REGARDING THE VICIOUS OR DANGEROUS PROPENSITIES OF THE ANIMAL(S)

My falcon is small, about the size of a small chicken (see photos) He will defend himself by biting if he is grabbed while tethered. If he is free he will just fly away. He is not aggressive.

F. DESCRIBE HOUSING ARRANGEMENTS FOR THE ANIMAL(S) SPECIFICALLY, SAFETY OF THE STRUCTURE, LOCKS AND FENCING DESIGNED TO PREVENT ESCAPE OF THE ANIMAL. (USE BACK OF THIS SHEET OF MORE SPACE IS NEEDED.)

My bird is a captive bred hybrid falcon who is well trained and 7 years old. He is very valuable, therefore there will be two sets of doors, inner doors and outer doors so that the outer door can be closed before the inner door is opened. See plans attached. There will be locks on all doors. There will also be an outside weathering area which will be screened top to bottom to ensure that no predator (dogs, cats, owls or red tailed hawks) can attack and kill him. A lock will also be on this structure. The location of the structure is included in the site map.

G. STATE ANY ANTICIPATED NOISES, ODORS INVOLVED IN THE KEEPING OF THE ANIMAL.

No anticipated noise or odor.

H. STATE ANY KNOWN PRIOR HISTORY OF INCIDENTS INVOLVING PUBLIC SAFETY OR HEALTH OF THE ANIMAL.

None

I. HAS A STATE OF CALIFORNIA, DEPARTMENT OF FISH AND GAME, PERMIT OR LICENSE BEEN ISSUED? YES ___ NO. IF YES, PROVIDE PERMIT OR LICENSE NUMBER AND COPY OF SAID PERMIT. FALCONRY PMT COPY OF LICENSE ATTACHED? YES

J. IF NECESSARY, HAD A BUILDING PERMIT BEEN APPROVED AND ISSUED FOR ANY REQUIRED STRUCTURES? ___ YES NO

K. LIST ALL DOG(S) OVER FOUR MONTHS OF AGE, PRESENT LOCATION OF THE ANIMAL. STATE DATE OF RABIES VACCINATION AND VACCINATING VETERINARIAN.

1. N/A VET _____
2. _____ VET _____
3. _____ VET _____
4. _____ VET _____

L. LIST DATE OF IMMUNIZATION AGAINST DISTEMPER, HEPATITIS, LEPTOSPIROSIS (IN CASE OF DOGS) OR PANLEUKOPENIA, (IN CASE OF CATS). ALL IMMUNIZATION RECORDS OF ANIMALS MUST BE AVAILABLE FOR EXAMINATION OF THE ANIMAL CONTROL OFFICER.

TYPE OF IMMUNIZATION	DATE GIVEN
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

APPLICANT DECLARATION

1. AS THE APPLICANT, I UNDERSTAND AS A CONDITION OF ISSUANCE OF A PERMIT TO MAINTAIN A WILD OR VICIOUS ANIMAL IN THE CITY OF NORCO, I WILL BE RESPONSIBLE FOR THE RECAPTURE OF ANY ANIMAL SHOULD IT ESCAPE.

2. AS THE APPLICANT, I UNDERSTAND I WILL TAKE ALL REASONABLE PRECAUTIONS TO ENSURE THE ANIMAL(S) WILL NOT BE TEASED, ABUSED, MISTREATED, ANNOYED, TORMENTED IN ANY MANNER, OR BE MADE TO SUFFER BY ANY PERSON OR MEANS.

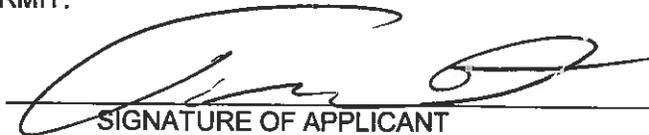
NO EQUIPMENT, TACK, DEVICE, SUBSTANCE OR MATERIAL THAT IS, OR COULD BE INJURIOUS OR CAUSE UNNECESSARY CRUELTY TO ANY ANIMAL WILL BE USED, NOR WILL I HOUSE ANY ANIMAL (S) WHO ARE NATURAL ENEMIES TOGETHER OR SO NEAR EACH OTHER AS TO CAUSE INJURY OR TORMENT.

3. AS THE APPLICANT, I HEREBY DECLARE UNDER PENALTY OF PERJURY, THE INFORMATION I HAVE PROVIDED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

4. AS THE APPLICANT, I ACKNOWLEDGE RECEIPT OF THE APPROPRIATE RULES AND REGULATIONS AND WILL COMPLY WITH THE PROVISIONS SET FORTH, IN ADDITION TO THE SET FOR PURSUANT TO ORDINANCES ESTABLISHED BY THE CITY OF NORCO.

5. AS THE APPLICANT, I UNDERSTAND THAT INCORRECT INFORMATION OR OMISSION OF MATERIALS/INFORMATION MAY RESULT IN THE DENIAL OR REVOCATION OF ANY WILD OR VICIOUS ANIMAL PERMIT.

June 26, 2013
DATE


SIGNATURE OF APPLICANT

A non-refundable application fee of \$100.00 for the first animal and \$30.00 for each additional animal is payable upon submission of the Application for Maintenance of a Wild or Vicious Animal Permit.

Upon application for renewal for a Maintenance of Wild or Vicious Animal Permit, \$100.00

This permit must be renewed within 60 days of expiration. A 25% penalty of the application fee (s) will be applicable for 60 days or less delinquency, a 50% penalty will be applicable for sixty-one to ninety day delinquency, and 100% penalty will applicable for ninety-one days or more delinquency.

The keeping of a wild or vicious animal is a violation of City of Norco Ordinance and constitutes a misdemeanor that may result in legal action by the City of Norco if proper permits are not requested and issued in accordance with City Ordinance.

=====
Date of Inspection _____ **Officer** _____

COMMENTS _____

COMMENTS CONTINUED

ACO RECOMMENDATIONS: _____ APPROVAL _____ DENIAL

CITY COUNCIL: _____ APPROVAL _____ DENIAL

DATE:

MOUNT SHASTA PLACE

Riding trail

114'

slab

Adjacent structure

fence

gate

Primary Residence

3,176 square feet

Adjacent structure

fence

dirt

fence

4 foot slope

Ramp

PROPOSED STRUCTURE

dirt

8'

324'

18'

353'

fence

24'

5'

cut slope

cut slope

cut slope

"V" drain

cut slope

"V" drain

"V" drain

Natural slope

110'

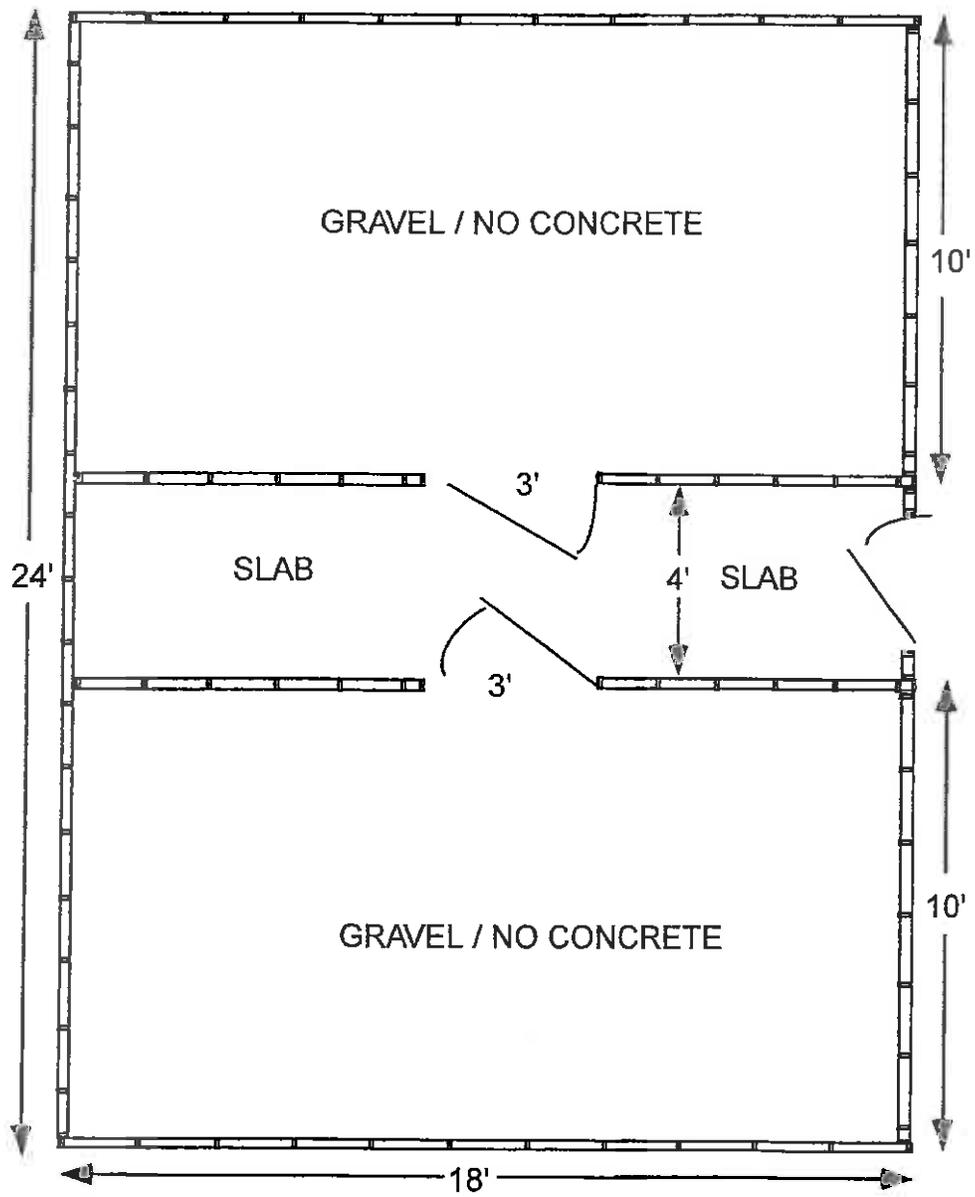


Site Address: 3925 Mount Shasta Place

Owner: Trevor Santochi 714-287-5760

Site City/State: Norco, California

FIGURE 1



FLOOR PLAN

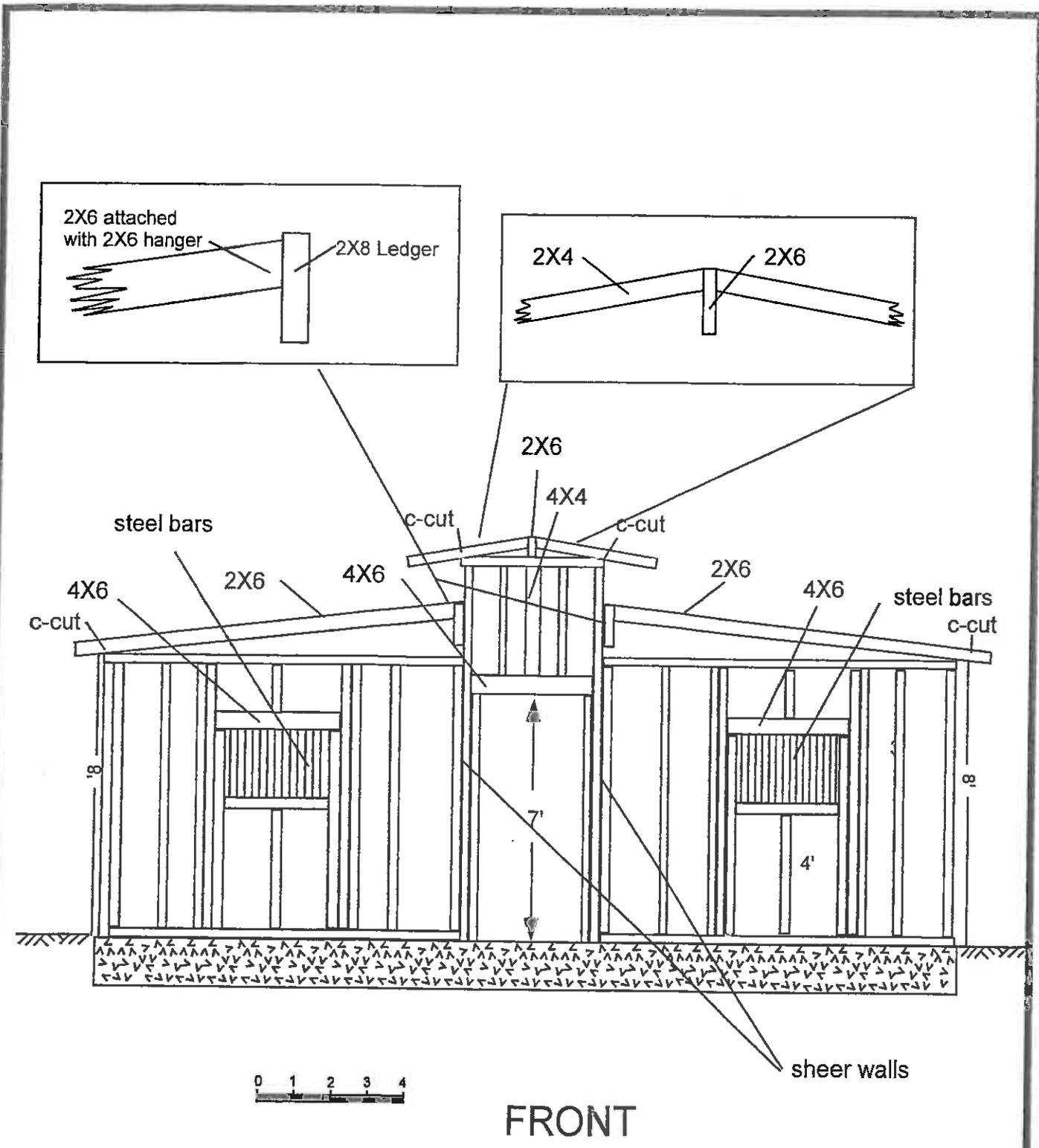


Site Address: 3925 Mount Shasta Place

Owner: Trevor Santochi 714-287-5760

Site City/State: Norco, California

FIGURE 2



Site Address: 3925 Mount Shasta Place

Owner: Trevor Santochi 714-287-5760

Site City/State: Norco, California

FIGURE 5



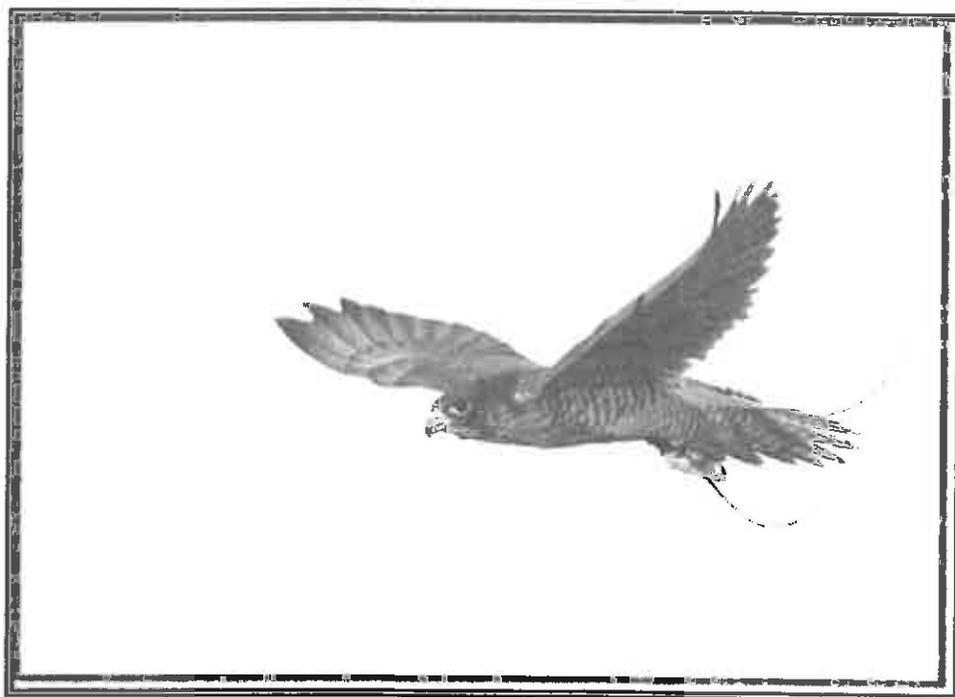
ME AND MY FALCON LAST YEAR IN WYOMING



PREPARING TO LAUNCH HIM FOR FREE FLIGHT



LAUNCHING HIM TO FREE FLIGHT



IN FLIGHT



ON PERCH WITH MY HAND FOR SCALE



MY BIRD AS A BABY BEING FED BY HIS MOTHER

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Geoff Pemberton, Battalion Chief

DATE: August 21, 2013

SUBJECT: Public Hearing Confirming Costs for Spring Weed Abatement

RECOMMENDATION: Adopt **Resolution No. 2013-58**, confirming the report of costs for abatement of weeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City.

SUMMARY: The 2013 Spring Weed Abatement Report of Costs lists property owners whose vacant parcels were abated by the Fire Department's weed abatement contractor for the 2013 Spring Weed Abatement Program. After Council adopts the Resolution, property owners will be invoiced for payment of the abatement.

BACKGROUND/ANALYSIS: At the May 1, 2013 Council meeting, the City Council authorized the Fire Department's weed abatement contractor, Warren Brothers Tractor Work, to remove weeds and hazardous vegetation from vacant parcels for owners who failed to do so by the April 23, 2013 deadline date.

The 2013 Spring Weed Abatement Report of Costs is a list of property owners whose parcels were abated by Warren Brothers following Council's authorization ordering the abatement. This list includes the contractor's charge and the Fire Department's administrative fee. Property owners will be invoiced for these costs; and if not paid, property liens will be placed against the parcel through the Riverside County Auditor-Controller's Office.

FINANCIAL IMPACT: Costs to abate weeds on vacant property are paid either by the property owner or by property tax liens.

/rjf

Attachments: Resolution No. 2013-58
2013 Spring Weed Abatement Report of Costs, Exhibit "A"

RESOLUTION NO. 2013-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, CONFIRMING THE REPORT OF COSTS FOR ABATEMENT OF WEEDS AND HAZARDOUS VEGETATION AS A PUBLIC NUISANCE AND IMPOSING SPECIAL ASSESSMENT LIENS ON VACANT PARCELS WITHIN THE CITY

WHEREAS, the City Council declared that seasonal and recurring weeds and hazardous vegetation, growing upon and in front of vacant property in the City of Norco, constitute a public nuisance and also declared its intent to provide for abatement by adopting Resolution No. 2013-11 on March 6, 2013; and

WHEREAS, the Notice to Destroy Weeds and Hazardous Vegetation was given to property owners of vacant property in accordance with Chapter 13, Article 2, Section 39567.1 of the State of California Government Code and Resolution No. 2013-11; and

WHEREAS, the City Council held a Public Hearing on May 1, 2013, and all objections to the proposed abatement of weeds and hazardous vegetation on vacant parcels were heard and considered in accordance with the State of California Government Code and Resolution No. 2013-11; and

WHEREAS, the City Council ordered the Fire Chief to have such nuisances abated by adopting Resolution No. 2013-16 on May 1, 2013; and

WHEREAS, an itemized report showing the cost to abate the nuisances that were on or in front of vacant parcels has been prepared and submitted to the City Council for confirmation; and

WHEREAS, a copy of the report of costs was posted near the door of the Council Chamber at least three days prior to the Public Hearing; and

WHEREAS, the Public Hearing being held by City Council is for the purpose of receiving and considering the report of costs showing abatement costs and hearing objections from property owners liable to be assessed for such costs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, does hereby find and declare that the 2013 Spring Weed Abatement Report of Costs, Exhibit "A" on nuisance abatement for vacant parcels is confirmed, and that the costs are also confirmed as special assessment property liens against the vacant parcels whose property owners do not pay the invoiced amount.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on August 21, 2013.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on August 21, 2013 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on August 21, 2013.

Brenda K. Jacobs, City Clerk
City of Norco, California

/rlf

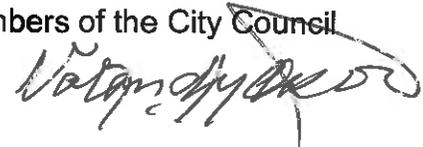
CITY OF NORCO

2013 SPRING WEED ABATEMENT REPORT OF COSTS
Exhibit "A"

PARCEL NO.	OWNER OF RECORD	PARCEL ACREAGE	CONTRACTOR'S FEE	ADMIN FEE	TOTAL CHARGE
122020027-8	Capitaland Inv. c/o Sam Ostayan 1379 Park Western #300 San Pedro, CA 90732	0.76	\$150.00	\$150.00	\$300.00
123070003-8	Tu Van Vo / Diem Nguyen 1168 Shearborn Street Corona, CA 92879	2.10	\$360.00	\$360.00	\$720.00
125270012-8	Eugene Eustaquio 3 Dogwood South/PO Box 10595 Irvine, CA 92612/Newport Beach, CA 92658	1.08	\$214.80	\$214.80	\$429.60
126050017-0	DW August, Inc. 1331 Tiffany Ranch Road Arroyo Grande, CA 94320	0.43	\$90.00	\$90.00	\$180.00
127020030-5	Ajit Shah PO Box 4509 Palos Verdes Peninsula, CA 90274	0.82	\$120.00	\$120.00	\$240.00
127331012-0	Pat & Emma Alvarado c/o Rollie Alvarado 6072 Candlelight Lane Yorba Linda, CA 92886	0.20	\$110.00	\$110.00	\$220.00
129380009-4	Rexco 2518 N. Santiago Blvd. Orange, CA 92867	1.63	\$197.80	\$197.80	\$395.60
129380010-4	Rexco 2518 N. Santiago Blvd. Orange, CA 92867	2.26	\$110.00	\$110.00	\$220.00
130240031-0	Vicky Blair 129 Hayden Way Brea, CA 92821	4.10	\$290.00	\$290.00	\$580.00
131330016-2	Richard & Rebecca Lewis 6 Weymouth Court Newport Beach, CA 92660	3.72	\$223.20	\$223.20	\$446.40
133141018-4	Equine Veterinary Specialists 20022 Daniel Lane Orange, CA 92869	1.51	\$70.00	\$70.00	\$140.00
153222009-2	Frances Vaughn 3806 Highway 90 West Del Rio, TX 78840	2.19	\$220.00	\$220.00	\$440.00
Total Charges			\$ 2,155.80	\$ 2,155.80	\$ 4,311.60

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Alma Robles, Senior Planner

DATE: August 21, 2013

SUBJECT: Zone Code Amendment 2013-03 (City of Norco): A city-initiated proposal to amend Title 18 "Zoning" of the Norco Municipal code, Chapter 18.02 – Definitions", Section 18.31.08 - "Yard Requirements – Walls, Fences and Structures in Setback Areas" and Section 18.38.22 -"On-site Location of Parking Facilities", to address/revise the definitions of vehicles and trailers, and to address vehicle and trailer parking in residential zones.

RECOMMENDATION: Adopt for First Reading Ordinance No. 964, to approve Zone Code Amendment 2013-03.

SUMMARY: Zone Code Amendment (ZCA) 2013-03 is a City-initiated proposal from City Council discussions and direction to review and amend Title 18 (Zoning) of the Norco Municipal Code (NMC) regarding the parking of vehicles and trailers in residential zones where access to the rear yard is restricted.

BACKGROUND/ANALYSIS: Currently, the NMC has the following requirements for on-site vehicle parking on property zoned for residential uses:

Section 18.31.08 Yard Requirements--Walls, Fences, and Structures in Setback Areas, Subsection (9).

(9) Storage of Recreational Vehicles and Boats: Except as otherwise approved under site plan review or conditional use permit in the Commercial and Manufacturing zones, recreational vehicles and boats shall not be stored in required front yards or corner side yards. In agricultural and residential zones, no more than a total of three recreational vehicles or boats may be stored on any lot. For lots greater than one half acre, one additional vehicle per each additional half acre may be stored. The maximum number of vehicles that may be stored shall not exceed ten. Further, said recreational vehicles and boats may not be used as a habitable space or dwelling. All such vehicles and boats approved for storage shall be maintained in a neat appearance and be in readily operable condition. The proposed storage area for the vehicles or boats shall not become a nuisance to neighboring properties.

18.38.22 On –Site Location of Parking Facilities.

On-site parking facilities for residential uses shall not be permitted to occupy any portion of a required front yard or any portion of a required side yard.

Based on the Section 18.38.22, no parking is allowed in the front yard, which would mean no parking is allowed within the first 25 feet of a property located in the A-1-20 zone. As currently written, the Code does not make provision for driveway parking. A property owner parking on a driveway, in front of their garage that is within the front yard 25-foot setback, is technically in violation of the NMC per Section 18.38.22. Parking of a vehicle in the side yard would also be a violation per this Section. Strict enforcement of no parking in the required front yard or side yard setback has not been applied.

Furthermore, there is an inconsistency with the Sections of the Code mentioned above. Per Section 18.31.08, storage of recreational vehicles (RV's) and boats is allowed on the side yard, provided it is not a street side yard. However, per Section 18.38.22 storage of recreational vehicles and boats would not be allowed on a side that is not on a street side. Because of the inconsistency, the application of the Code is difficult because one contradicts the other.

The above information and concerns of on-site residential parking were presented to the Planning Commission. The Commission agreed that a Code Amendment was necessary to eliminate inconsistencies, and make parking requirements more enforceable by:

- revising the definition for vehicles;
- allowing vehicle parking in the front yard subject to certain criteria/restrictions;
- restricting recreational vehicles (RV's) and boat parking, to vehicles that are registered to the property owner/resident where the RVs and boats are being stored, to avoid storage yards on residential properties; and
- exploring an application procedure for review on a case-by-case basis to allow the parking of RVs, trailers and boats in the front yard, for non-conforming small lots.

To address the above, the Planning Commission has recommended the approval of Zone Code Amendment 2013-03 for the following changes (proposed verbiage is indicated in bold and underlined, and verbiage proposed to be deleted is crossed out):

- Chapter 18.02 – “Definitions”, Section 18.02.04 – “Specific Definitions” Item (65) “Recreational Vehicles” and Item (79) “Trailer” should be amended to read as follows:

(65) Recreational Vehicles. A motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy, which meets all of the following criteria:

- ~~(a) Contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~
- ~~(b) Contains 400 square feet or less of gross area measured at maximum horizontal projections and does not exceed 40 feet in length.~~
- ~~(c) (a) Is built on a single chassis.~~
- ~~(d) (b) Is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.~~
- ~~(e) (c) Requires licensing and registration by the State Department of Motor Vehicles.~~

(79) Trailer. A vehicle designed for carrying persons or property **(including livestock)** on its own structure and for being drawn by a motor vehicle **that is not a commercial truck as identified in Chapter 10.16 – “Commercial Vehicles/Trucks” of the Norco Municipal Code. This definition of trailer does not include commercial trailers also identified in Chapter 10.16.**

- Chapter 18.02 – “Definitions”, Section 18.02.04 – “Specific Definitions” should be amended to include/add Item (58c) “Passenger Vehicle” as follows:

(58c) Passenger Vehicle. A self-propelled motor wheeled vehicle that includes cars, vans and trucks on a single chassis and which are primarily used for transportation of people and goods. This definition does not include a commercial truck as identified in Chapter 10.16 – “Commercial Vehicles/Trucks” of the Norco Municipal Code.

- Chapter 18.02 – “Definitions”, Section 18.02.04 – “Specific Definitions” should be amended to include/add Item (18.5a) “Designated Parking Area” as follows:

(18.5a) Designated Parking Area. An area set apart by surfacing or physical borders.

- Chapter 18.38 – “General Provisions – Off Street Parking and Loading”, Section 18.38.22 – “On-Site Location of Parking Facilities” should be amended to read as follows:

18.38.22 On –Site Location of Parking Facilities of Vehicles in Residential Zones

On-site parking of passenger cars or light-duty trucks in residential zones, facilities for residential uses, shall not be permitted

to occupy any portion the driveway or designated parking area of a required front yard or any portion of a required side yard. In no instance shall any vehicle extend onto the public right-of-way.

- Chapter 18.31 – General Provisions-Yards, Setbacks and Height Exceptions, Section 18.31.08 Yard Requirements--Walls, Fences, and Structures in Setback Areas, Subsection 9 (first paragraph only) should be amended as follows:

(9) Storage of Recreational Vehicles, Trailers and Boats: Except as otherwise approved under site plan review or conditional use permit in the Commercial and Manufacturing zones, recreational vehicles, trailers and boats shall not be stored in required front yards or corner side yards. In agricultural and residential zones, ~~no more than a total of three recreational vehicles or boats may be stored on any lot. For lots greater than one half acre, one additional vehicle per each additional half acre may be stored. The maximum number of vehicles that may be stored shall not exceed ten.~~ Further, said recreational vehicles, trailers and boats may not be used as a habitable space or dwelling. All such recreational vehicles, trailers and boats approved for storage shall be maintained in a neat appearance and be in readily operable condition, and shall be registered to the property owner/resident where the recreational vehicles, trailers and boats are being stored. The proposed storage area for the recreational vehicles, trailers or boats shall not become a nuisance to neighboring properties.

The Planning Commission has directed staff to explore an application procedure for review on a case-by-case basis to allow the parking of RVs, trailers and boats in the front yard, for non-conforming and/or small lots. These lots are typically characterized as not having enough room in the rear yards or, not having access wide enough to pull an RV, trailer or boat to the rear of the property. The Planning Commission directed staff to explore a process similar to issuing a Vehicle Exemption Permit for commercial vehicles identified in Chapter 10.16 – “Commercial Vehicles/Trucks” of the Norco Municipal Code. This permit is reviewed and approved at staff level subject to certain criteria (i.e. safety and based on a site inspection) and if approved, a sticker/decal is issued to be applied on the windshield of the truck which identifies this vehicle as permitted. If determined feasible and enforceable, a Code amendment will be presented to the City Council on this matter at a later date.

CONCLUSION: Zone Code Amendment 2013-03, has been recommended for approval to with the intent of eliminating inconsistencies, and thus making parking requirements more enforceable.

/adr

Attachment: Ordinance No. 964

ORDINANCE NO. 964

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING ZONE CODE AMENDMENT 2013-03 (CITY OF NORCO): A CITY-INITIATED PROPOSAL TO AMEND TITLE 18 "ZONING" OF THE NORCO MUNICIPAL CODE, CHAPTER 18.02 – DEFINITIONS", SECTION 18.31.08 - "YARD REQUIREMENTS – WALLS, FENCES AND STRUCTURES IN SETBACK AREAS" AND SECTION 18.38.22 -"ON-SITE LOCATION OF PARKING FACILITIES", TO ADDRESS/REVISE THE DEFINITIONS OF VEHICLES AND TRAILERS, AND TO ADDRESS VEHICLE AND TRAILER PARKING IN RESIDENTIAL ZONES. ZONE CODE AMENDMENT 2013-03.

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2013-03 to address/revise the definitions of vehicles and trailers, and to address vehicle and trailer on-site parking in residential zones, and

WHEREAS, the Zone Code Amendment was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing before the Planning Commission on June 12, 2013 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, the Planning Commission adopted Resolution 2013-19 recommending to the City Council that Zone Code Amendment 2013-03 be approved; and

WHEREAS, said application has been duly submitted to said City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, said application was scheduled for public hearing on August 21, 2013 at 7:00 P.M. within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, at the said time and place, the City Council did hold said public hearing and did receive both oral and written testimony pertaining to said amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA)

and the City of Norco Environmental Guidelines pursuant to Class 5 (Minor Alterations in Land Use Limitations).

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

SECTION 1:

Chapter 18.02 – “Definitions”, Section 18.02.04 – “Specific Definitions” Item (65) “Recreational Vehicles” and Item (79) “Trailer” are hereby amended to read as follows:

(65) Recreational Vehicles. A motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy, which meets all of the following criteria:

- (a) Is built on a single chassis.
- (b) Is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.
- (c) Requires licensing and registration by the State Department of Motor Vehicles.

(79) Trailer. A vehicle designed for carrying persons or property (including livestock) on its own structure and for being drawn by a motor vehicle that is not a commercial truck as identified in Chapter 10.16 – “Commercial Vehicles/Trucks” of the Norco Municipal Code. This definition of trailer does not include commercial trailers also identified in Chapter 10.16.

Chapter 18.02 – “Definitions”, Section 18.02.04 – “Specific Definitions” is hereby amended to include Item (58c) “Passenger Vehicle” as follows:

(58c) Passenger Vehicle. A self-propelled motor wheeled vehicle that includes cars, vans and trucks on a single chassis and which is primarily used for transportation of people and goods. This definition does not include a commercial truck as identified in Chapter 10.16 – “Commercial Vehicles/Trucks” of the Norco Municipal Code.

Chapter 18.02 – “Definitions”, Section 18.02.04 – “Specific Definitions” is hereby amended to include Item (18.5a) “Designated Parking Area” as follows:

(18.5a) Designated Parking Area. An area set apart by surfacing or physical borders.

Chapter 18.38 – “General Provisions – Off Street Parking and Loading”, Section 18.38.22 – “On-Site Location of Parking Facilities” is hereby amended to read as follows:

18.38.22 On-Site Parking of Vehicles in Residential Zones

On-site parking of passenger cars or light-duty trucks in residential zones, shall be permitted to occupy the driveway or designated parking area of a required front yard or any portion of a required side yard. In no instance shall any vehicle extend onto the public right-of-way.

Chapter 18.31 – General Provisions-Yards, Setbacks and Height Exceptions, Section 18.31.08 Yard Requirements--Walls, Fences, and Structures in Setback Areas, Subsection 9 (first paragraph only) is hereby amended to read as follows:

(9) Storage of Recreational Vehicles, Trailers and Boats: Except as otherwise approved under site plan review or conditional use permit in the Commercial and Manufacturing zones, recreational vehicles, trailers and boats shall not be stored in required front yards or corner side yards. In agricultural and residential zones, said recreational vehicles, trailers and boats may not be used as a habitable space or dwelling. All such recreational vehicles, trailers and boats approved for storage shall be maintained in a neat appearance and be in readily operable condition, and shall be registered to the property owner/resident where the recreational vehicles, trailers and boats are being stored. The proposed storage area for the recreational vehicles, trailers or boats shall not become a nuisance to neighboring properties.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, subsections, sentences, clauses, or phrases hereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest hereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on September 4, 2013.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on August 21, 2013, and thereafter at a regular meeting of said City Council duly held on September 4, 2013, it was duly passed and adopted by the following vote of the City Council.

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on September 4, 2013.

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

/adr