

(Continued from Page 2-C)

of gambling, and all gambling devices and practices; all playing of cards, dice and other games of chance for the purpose of gambling, and the keeping or operating of card machines, slot machines, or other contrivances or apparatus or devices, upon or into which money or anything is staked, hazardous, deposited or paid upon chance; and to prohibit the making or selling of pools on races, games or other exhibitions, and to authorize the confiscation and destruction of all instruments, apparatus and paraphernalia used for the purpose of gambling; and to restrain and punish vagrants, mendicants, lewd persons, lascivious persons and prostitutes.

**Section 29. Weights and Measures—Regulation of:**

To provide for the inspection and sealing of all weights and measures used in said city, and to enforce the keeping and use by dealers of proper weights and measures, duly tested and sealed.

**Section 30. Billboards—Regulation of:**

To regulate, license or prohibit the construction and use of billboards and signs, and to regulate or prohibit the exhibition or placing of banners, flags, placards, signs, advertising matter or posters, in, upon or across the public streets and sidewalks, or other public places within the said city.

**Section 31. Regulation of Speed and Safety Devices:**

To regulate the speed of street cars, steam railway engines, cars or trains and public buses over street crossings upon the streets of the City of Torrance and to require steam railroad companies either to station flagmen, or to place sufficient automatic warning signals and signal bells, or other warning devices at prominent street or highway crossings within the City when the City Council shall decide that the public safety requires that such flagmen or warning signals or devices are necessary and shall have so notified the steam railroad or street railway company operating along or across such public street or highway; and to require street cars and public conveyances to be provided with suitable fenders and/or other appliances for the protection of the public; and to require that all exhausts from engines of public buses or other public passenger conveyances shall be discharged into the air not less than 8 feet from the ground.

**Section 32. Railroad Trains at Street Crossings:**

To regulate and prohibit the making up of railroad or railway trains upon any of the streets, street crossings, and from blocking street intersections by allowing cars to remain stationary at such crossings within the City of Torrance; to establish stands for buses, taxicabs, express wagons and other public vehicles for hire, and to regulate the charges for the use of any such buses, taxicabs, and other public vehicles and require schedules for such charges to be posted in all such public vehicles.

**Section 33. Gasoline and Explosives, Regulation, Storage:**

To regulate or prohibit the sale, keeping, storing and use of gasoline, dynamite, powder, petroleum, fireworks, nitroglycerin, and all other explosives or highly combustible materials and substances, and the place of manufacture or storage thereof, and their transportation; and to regulate the keeping or storing of hay, straw, excelsior, and other highly inflammable materials.

**Section 34. Prohibiting Use of Firearms:**

To prohibit any person under 18 years of age from having in his possession, custody or control, within the City of Torrance, any gun, revolver, pistol, spring or air gun or firearms of any description, or any cartridge or other device containing any explosive.

**Section 35. Oil Wells, Derricks, Other Structures, Regulated:**

To regulate, restrict, and/or prohibit the construction and/or erection of oil derricks, oil tanks, oil reservoirs, sumps or other structures and appurtenances used in connection with the production or storing of petroleum oils, gas or other hydro-carbon substances and/or the drilling of oil or gas wells within any or all sections of the city. The City Council may from time to time, by ordinance, prohibit such drilling, production and storage and declare such derricks, tanks, reservoirs, sumps, structures, appurtenances, and/or wells to be a nuisance and/or fire hazard, and to require their abandonment or removal.

**Section 36. Refining of Petroleum Oil, Etc., Regulated:**

To regulate, control and/or require that all necessary provisions be made by any person, firm or corporation, engaged in refining petroleum oils or manufacturing other products within the City, to provide and/or to install proper and sufficient facilities in connection with such refining and/or manufacturing process or processes as shall control or eliminate all obnoxious odors and gases emanating from such oil refining and/or manufacturing process or processes.

The term "obnoxious gases" shall include Hydrogen Sulphide and Sulphur Dioxide.

**Section 37. Regulating Construction of Buildings:**

To regulate and control construction, manner of construction of, and material used in any and all buildings and structures of any kind within the city; to prevent the erection and/or maintenance of unsafe buildings, walls or other structures and to provide for their removal; to provide for and restrict the construction of foundations, the location of drains and sewers and character of material used therein; to prescribe and regulate the thickness of the walls of all buildings into which brick, concrete or steel is used; to regulate the construction of bathrooms and all sanitary conveniences, the material used in plumbing, sanitary and/or for drainage purposes; the material and manner of wiring buildings and other structures for the use of electricity for lighting, power or other purposes; to prescribe and regulate the material used in supplying buildings with water and gas and to prohibit the construction or maintenance of all buildings and structures which do not conform to such regulations.

**Section 38. Building Code Limitations:**

Until initiated and passed by a majority vote of the electors of the City of Torrance, no ordinance, resolution or building code shall be adopted by the City Council restricting or limiting any person, firm or corporation in the construction, repair or alteration of any building or structure erected, repaired or altered within the city, to the use of any specific material or materials, including any patented, trade marked, trade named, or copyrighted material, equipment, fixtures, or supplies, or preventing any such person, firm, or corporation from performing work or labor of any character upon any such building, or structure, being so constructed, repaired, or altered, for the use and/or occupancy, of such person, or from employing any person or persons or firms whatever to assist in such construction, repair or alteration, regardless of whether or not such person, persons, or firms, may be particularly trained in the branch or line of work or labor they are employed to perform.

**Section 39. To Regulate Construction of Dangerous Structures:**

To regulate construction and cause removal of dangerous chimneys, stove pipes, boilers and any or all machinery used or installed in any building in the city.

**Section 40. Installation, Operation and Inspection of Elevators, etc.:**

To regulate the installation and operation, and provide for the inspection of freight and passenger elevators, boilers, engines, dynamos, and other apparatus for generating steam, electricity or other power, or heat, within the said city.

**Section 41. Regulate Blasting:**

To regulate or prohibit the operation of blasts and blasting.

**Section 42. Public Utilities, Services, and Properties:**

(A) Acquisition, Maintenance, Equipment, Sale, etc.: To acquire by condemnation, or otherwise, construct, maintain, lease, operate, distribute, equip, own, and/or sell, whether situated inside or outside of the city or state, any improvement, commodity, service, business, utility, enterprise, or property, including: telephone and telegraph system, street railways, or other means of transportation, warehouses, free markets, water or power works, water distribution system or systems, and underground or overhead conduits, and any works, facilities or equipment necessary to a utility, improvement, commodity, service, business, enterprise, or property and to join with any other city, or cities, district or districts, county or counties, or state, in the acquisition, construction, maintenance, establishment, equipment, or operation of the same, and to furnish the city or its inhabitants or persons without the city any public utility service or commodity whatsoever; provided, however, that no public utility of the City of Torrance now owned or hereafter acquired or constructed may be sold, leased, or otherwise transferred or conveyed unless two-thirds of the qualified electors as of the date of and at a regular municipal election or special municipal election called for that purpose, cast their votes in favor thereof.

**(B) Acquisition, After Election, by City:**

Without disparaging the power of the City Council to acquire by condemnation, or otherwise, any public utility, it shall be mandatory on such City Council to so acquire such public utility, subject to the reservations and restrictions contained in the franchise provisions of this charter, whenever two-thirds of the qualified electors, at that time, shall at an election, called for that purpose, cast their votes in favor thereof.

**(C) Operation by City:**

(1) Rules and Regulations—Appointments: At such time as any public utility shall have been acquired or constructed by the city, whether by purchase, condemnation, or otherwise, the City Council shall have power and it shall be its duty to create a special department and to prescribe by ordinance all necessary rules and regulations, for the operation and continuation of the business of such public utility in the interest of the city; and the Mayor shall, subject to confirmation by a three-fifths vote of the City Council, appoint such officers and assistants to carry on the business of the utility so acquired or constructed.

**(2) Surety Bonds:**

The City Council shall require surety bonds to be furnished by all persons holding financial positions in connection with the business of such utility department, in amounts sufficient to fully protect the city against loss.

**(3) Special Fund—Rules and Regulations:**

The City Council shall also by ordinance create a special fund into which fund all revenues derived from the operations of each utility shall be separately placed, and from which fund disbursements in connection with the management and operation of such utility shall be paid; and said City Council shall have plenary power to prescribe by ordinance all necessary rules and regulations which in its opinion, will be in the public interest and welfare, in connection with the operation and functioning of such utility or utilities, including the sale and disposition of any and all commodities of such utility or utilities. It may also appoint a special controller and/or treasurer for each such public utility and prescribe their powers and duties.

Accounts shall be kept for each public utility owned or operated by the city, distinct from other city accounts and in such manner as to show the true and complete financial result of such city ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall be devised so as to show the actual cost of each public utility owned; the cost of all extensions, additions and improvements; all costs of maintenance; the amounts set aside for sinking fund purposes; and in the case of city operation, all operating expenses of every description. The accounts shall show as nearly as possible the value of any services furnished to or rendered by any such public utility by or to any other city or governmental department. For all public utilities owned by the city, the accounts shall include a proper allowance for depreciation of plant and equipment. Reports of the financial transactions and status of publicly owned or operated utilities, shall, when required for administration purposes or publication, include such other items of estimated expense, such as insurance and taxes, as is ordinarily and properly chargeable to operation expense by privately owned utilities, to the end that such reports of publicly owned utilities may be made comparable with similar reports of privately owned utilities.

**(4) Rates:**

(a) The City Council shall have power to fix, change and adjust rates, charges or fares for the furnishing of service by any utility under its jurisdiction, and to collect by appropriate means all amounts due for said service, and to discontinue service to delinquent consumers, and to settle and adjust claims arising out of the operation of any said utilities.

(b) Rates may be fixed at varying scales for different classes of service or consumers. The City Council may provide for the rendition of utility service outside the limits of the city and the rates to be charged therefor which may include proportionate compensation for interest during the construction of the utility rendering such service.

(c) Before adopting or revising any schedule of rates or fares, the City Council shall publish twice in the official newspaper of the city notice of its intention so to do and shall fix a time for a public hearing or hearings thereon, which shall be not less than ten days after the last publication of said notice, and at which any resident may present his objection to or views on the proposed schedule of rates, fares or charges.

(d) Rates for each utility shall be so fixed that the revenue therefrom shall be sufficient to pay, for at least the succeeding fiscal year, all expenses of every kind and nature, including depreciation incident to the operation, maintenance and/or extension of said utility, together with the interest and sinking fund for any bonds issued for the acquisition, construction or extension of said utility; provided that, should the schedule of rates, charges or fares for said utility not produce such revenue, the City Council shall provide by tax levy for the additional amount necessary to meet such deficit.

**(5) Interest On Bonds During Construction:**

In any case where bonds have been authorized for the acquisition, construction or completion of a public utility

or of an extension or extensions thereto, interest which may become due on said bonds during the actual period of construction of said utility, or of extensions to an existing utility, as the case may be, and during the period of six months immediately following the completion of the same may be paid out of the proceeds of sale of the bonds authorized and sold for such purpose, if such method of payment of interest be expressly provided for in the proceedings authorizing such bond issue.

**(D) Removal, Lowering and Relocation of Properties and Facilities. Privately Owned Utilities:**

In the event that any public utility shall have laid pipe lines, conduits, ducts, or placed any poles, towers, or other structures for the support of wires, or cables, over, under, along or across any street, lane, alley, highway or other public way within the City of Torrance which is being, or is to be improved under any of the general laws in force at the time, or by resolution or ordinance of the city whether such public utility shall have use of the street under franchise granted, or whether such public utility shall be using the public ways of the city under any other form of agreement with the city, such public utility or utilities shall, at their own expense, remove, lower or relocate such utility properties and facilities at such other location or locations as shall be designated by the city engineer, provided such new locations are within public ways, or streets, upon receiving a written notice from the City that paving or other improvement of the particular public way or street over, along, under, or across which said public utility is operating, is contemplated by the city.

**(E) Underground Regulations—Privately Owned Utilities:**

To cause and require the removal from above ground and the placing under ground any and all telephone, telegraph, electric light, electric power, other wires, cables, conduits, or conductors within the said city, or within any designated portion thereof, and to regulate the location and placing of poles, and suspending of wires, cables, or other conductors, along or across any of the public streets, ways, or places within said city.

**(F) Removal of Appointees:**

All officers, assistants and employees, for whose appointment provision has been made in this section, may be removed at the pleasure of the Mayor.

**Section 43. Franchises:****(A) Power of City Council—Referendum:**

Subject to the referendum provisions hereof, except as otherwise herein contained, and the limitations and restrictions now or hereafter contained in the Constitution of the State of California or of the United States of America, the City Council shall have full power to grant, by ordinance, upon such conditions as it may deem advisable for the best interests of the public, all franchises, renewals, extensions, amendments and/or additions thereto; provided, however:

(1) That no exclusive or perpetual franchise shall ever be granted.

(2) That no franchise, extension or renewal thereof, shall ever exceed forty years, and

(3) That such grant shall only be made after free and open competition and public hearing had.

(4) And provided further, that all such grants shall contain provisions to the effect:

(a) That the same shall not be assigned, transferred or conveyed or encumbered, without the consent of the City Council by resolution.

(b) That all rights and property covered thereby shall be subject to a joint use by others whenever practicable, and/or whenever such use shall be ordered by the City Council.

(c) That the same shall be terminated and all rights thereunder forfeited for misuse, non-use, failure to commence construction within the time prescribed, and/or failure to otherwise comply with the conditions of such grant, all to be determined by said City Council.

(d) That all amendments or additions thereto shall terminate not later than the original grant, and

(e) That the city reserves the right to purchase, condemn, or otherwise acquire all or any part of the property of any utility to whom such grant shall be made at a price to be fixed in the ordinance, or at a price to be determined in the manner provided therein, which said price in no event shall include any allowance for good will, the value of the franchise, or any other intangible element of value.

**(B) Miscellaneous Provisions:**

(1) No such grant, renewal, extensions, amendments, and/or additions, and no consents to the assignment, transfer, conveyance, or encumbrance thereof, shall be made without the consent of four members of the City Council. All other action by the City Council in respect thereof, as in this charter provided, may be taken by a three-fifths vote of the City Council unless vetoed by the Mayor, in which case a four-fifths vote shall be required.

(2) No franchise granted shall ever be considered an emergency measure.

(3) No franchise shall be renewed or extended before one year prior to its expiration.

(4) All ordinances making such grants, unless passed by the unanimous consent of all members of the City Council and approved by the Mayor, shall be subject to the referendum provisions of this charter, and any ordinance not so passed shall become effective only after the expiration of thirty days from and excluding the date of its passage, during which time such ordinance shall be subject to said referendum provisions hereof, and if during said thirty-day period a sufficient petition be not signed and filed, said ordinance shall immediately become effective at the expiration of said thirty-day period.

(5) In event all of the property of a public utility in the city be acquired, as in this charter provided, all grants thereto shall thereupon terminate.

**(C) Exercise of and Applications for Franchise:**

(1) No person, firm or corporation shall exercise any franchise or privilege without first having obtained a grant therefor as herein provided.

(2) Every application for a franchise shall be accompanied by a cash deposit or certified check for \$100.00, to be returned if the application be denied or franchise granted to another person, firm or corporation. All expenses connected with the granting of said franchise shall be paid by the successful bidder thereof out of his deposit, and the deposit of said sum with the city shall be a condition precedent to the vesting of the franchise.

**(D) Special Conditions Precedent and Subsequent.**

(1) It shall be a condition precedent to granting a franchise to lay any pipe line or pipe lines in, under, along, or across any or all streets, alleys or other public ways in the City of Torrance, that the grantee thereof shall pay and/or agree to pay to the City of Torrance \$1.00 per rod for each rod of pipe line laid for the transportation of gasoline, oil, gas or other petroleum products; and \$15.00 per mile, or fraction thereof, for each mile of water pipe laid in any six-months period; and it shall be a condition precedent to granting a franchise to lay any conduit or

conduits in, under, along or across any such streets, alleys or public ways, that the grantee thereof pay the City of Torrance \$1.00 per rod, or fraction thereof, for each rod of conduit so laid. Subject to the limitations and restrictions of the Constitution of California, each grantee of a franchise, renewal or extension thereof, shall pay to the City after the first five years of said franchise have expired, annually, and within 60 days after the termination of each year, two per cent of its gross revenues derived from operations in the city, and the continuance of the existence of said franchise, renewal or extension thereof shall be dependent on the faithful performance of said condition subsequent.

(2) That no franchise granted shall ever limit the control of the city over its streets and public ways to such an extent that the city may not at any time prescribe the manner of their use, or occupation, and the form, material and position of all fixtures, structures and works of every nature, and to order their reconstruction, transfer or removal if the public health, comfort, welfare, convenience or safety so demand, but nothing herein contained shall be construed to prevent the City Council from prohibiting the placing of any and all poles, towers, or all other appurtenances for the support of wires or cables upon or within the boundaries of such streets, alleys or public ways.

**Section 44. Public Improvements:****(A) Laying Out, Repairing, Changing Grade of Streets, etc.**

To establish, lay out, open, extend, widen, narrow, straighten, close or vacate streets, alleys, lanes, boulevards, crossings, courts, or other highways and public places and rights of way or to construct therein sidewalks, crosswalks, culverts, gutters, curbs, steps, parkways, parkings, sewers and other structures and appurtenances; to plant, care for and maintain therein trees, shrubbery, or other ornamental plants, and to construct or reconstruct or improve in any manner whatsoever or re-improve or repair in any manner whatsoever, and to establish or change the grade of streets, lanes, alleys, boulevards, sidewalks, crossings, courts, bridges, viaducts, subways, tunnels or other avenues of travel, or public way or ways and to cause the costs and expenses thereof, including all the incidental expenses and damages to private property occasioned thereby, to be paid from the general fund of the city or from such other fund as the City Council may designate or from moneys raised by levying and collecting assessments upon private property according to frontage or upon property in a district according to area; and to adopt the necessary procedure to carry out the provisions hereof; provided further that anything in this Charter to the contrary notwithstanding whenever the costs and expenses of any of the foregoing improvements are to be paid by special assessment on private property, Subsections (B), (C) and (D) of Section 44 of Article VIII, shall control so far as applicable, subject to the requirements and limitations contained in said Subsections last mentioned, but nothing herein contained shall be construed to prevent the city from acting under and being governed and controlled by the general laws of the state in force at the time with respect thereto, except as provided in said Subsecs. (B), (C) and (D), Sec. 44, Art. VIII, of this Charter; and provided further that when all the owners of frontage on any alley or street in any block in the City shall petition the City Council to close or vacate said alley or street and shall waive all claim for damages or compensation, the same may be ordered closed or vacated by ordinance without other proceedings, in the event that the City Council shall have first determined that public convenience and necessity demands such action, which determination shall be expressed by a resolution to that effect, and which shall be referred to in said ordinance, or in a preamble thereto.

**(B) Special Assessments—Preliminary Requirements:**

Proceedings to levy special assessments against private property for the opening, widening, grading, paving, or otherwise improving, in any manner, any street, alley, or other public way within the City, and/or acquisition of any land necessary or convenient in connection therewith, except as provided in Section 46 of Article VIII of this Charter, may be taken in accordance with the general laws of the State of California in force at the time. Before taking any initial step prescribed by any such law, or any ordinance, and anything in this Charter to the contrary, notwithstanding, it shall be mandatory that the City Council shall require:

**(1) Estimate of Costs:**

That an estimate of the costs of any such improvement, including the costs of any acquisition of land to be acquired in connection therewith, together with all court and other incidental costs pertaining thereto, be prepared by the City Engineer and submitted to such Council.

**(2) Map of District:**

That a map be prepared and presented to the City Council showing the streets, alleys, or public ways to be improved, the opening and widening, if any, to be a part of such improvement, the boundaries of the district deemed to be benefited and to be assessed to cover the costs of all such improvements, acquisition, and proceedings in connection with such improvement, the various zones within the district, if such district shall be divided into zones, and the percentage and amount of costs to be assessed against each zone and lot, piece, parcel or subdivision of land therein; such estimate to be on the basis of frontage, assessed valuation or area as the case may be, and that there be submitted to the City Council a plan showing the details of the improvements to be made.

**(3) Assessed Valuations To Be Furnished:**

That the City Council be furnished a statement of the assessed valuation as shown on the assessment rolls for the current year of each lot, piece, parcel or subdivision of land within the district to be benefited by such improvement, and the amount of unpaid special assessments, if any, previously levied against each such lot, piece, parcel or subdivision of land.

**(4) Provisions Inapplicable, When:**

Should the estimate called for in Subdivision 1, next above, of this Subsection (B) disclose that the estimated cost of such improvement should be \$1000.00 or less, the provisions of Subdivisions (2) and (3) of this Subsection (B) shall be inapplicable to such improvement and proceeding; and in event the City Engineer, shall upon investigation, render a report in writing to the effect that the cost of such improvement and/or improvement and acquisition and of such proceedings, as apportioned, or to be apportioned, together with all other assessments on any lot, piece, parcel or subdivision of land in said proposed district will not exceed fifty per centum of the true value thereof as hereinafter defined, then none of the provisions of Subdivisions 1, 2, and 3 hereof shall be applicable.

**(C) Special Assessments Not to Exceed 50% of True Value of Land:**

In event said report of said Engineer, and/or said estimate, maps and statement of assessments referred to in said Subdivisions 1, 2, and 3 of this Subsection (B) should disclose that the total outstanding and proposed assessment against any lot, piece, parcel or subdivision of land will exceed fifty per centum of said true value of any lot,

(Continued on Page 4-C)