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Model Land Use Ordinance:
A Toolkit for Our Counties, Cities, and Towns

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I. Objective and Plan

- **Objective:** Protect the health and safety of our community from the potential impacts of ICE processing and detention centers through sensible local zoning changes.
- **Mechanism:** Adopt urgency ordinance (interim moratorium) on all approvals for the use of property as a detention and custodial facility to provide time for jurisdictions to evaluate and propose land use zoning regulations. Engage in local and regional action through collaboration with community organizations and jurisdictions.
- **Suggested Approach:**
    1) Enact Interim Urgency Ordinance at first hearing
    2) Direct Staff to draft and return to the council/ board with final ordinance within duration contemplated by urgency ordinance
    3) Enact extensions of urgency ordinance as necessary for drafting of final ordinance
    4) Final vote

This toolkit continues to evolve and is provided for the purposes of providing policy advocacy and public information, not legal counsel. A qualified attorney should be consulted for specific legal advice or assessment of legal risks.

II. BACKGROUND

- **Analysis**
  - What Happens When ICE Detention Facilities Conflict with Land-Use Rules Designed to Promote the Public's Interest? | Urban Institute - points to health and safety, adequate infrastructure and services, and inspections that could be generally required for all land uses without singling out a particular use.
  - 5 tools local governments are using to block ICE detention centers | Smart Cities Dive - moratoriums; zoning and land-use restrictions; infrastructure capacity objections; health, safety and labor inspection authority; state-level litigation.
  - State and Local Property Law Responses to Federal Actions | State Democracy Research Initiative – University of Wisconsin Law School - State and local governments increasingly use land use regulation to push back on ICE operations. They have power to regulate private contractors and privately owned properties, as long as they do not discriminate based on the contractor's status as a federal contractor or impose regulations that directly conflict with federal law.
- **Federal Law**:
  - Courts typically apply the Supremacy Clause to preempt state and local efforts to interfere directly with ICE operations.
    - EG: In *Geo Group v. Newsom* (9th Cir 2022), the Ninth Circuit struck down a California law, AB 32, which mandated that "persons shall not operate a private detention facility within the state." The law was preempted in part because, as the Court noted, ICE relies exclusively on privately operated detention in CA.
    - Similarly, direct bans on immigration detention are not enforceable
  - **Nonetheless, health, environmental, and safety code requirements within local land use/ police powers remain viable regulatory options for detention center development.**
    - 40 U.S.C. Section 3312(c) requires GSA to comply with local zoning rules when identifying and building on sites.
    - *James Stewart & Co. v. Sadrakula*, 309 U.S. 94, 103-4 (1940), the U.S. Supreme Court held that the construction of a federal post office was bound by a New York labor safety requirement, even where it increased the cost of construction.
    - EG: U.S. District court decision in the Tacoma, WA case, described below.
- **Local Jurisdiction Actions as Part of our Bay Area Initiative:**
  - **San Mateo County**
    - Board Memo of August 25, 2026
    - Interim Ordinance adopted at August 25, 2026 Board Meeting
    - Temporary Moratorium extended on September 15, 2026 to August 24, 2027
  - **City of San José**

        - Rules and Open Government Committee Memo of August 12, 2026
        - Interim Ordinance adopted September 29, 2026 Council Meeting
        - Temporary Moratorium extended at November 3, 2026 Council Meeting
    - **Napa County**
        - Referral to draft an urgency ordinance, August 28, 2026
        - Interim ordinance scheduled for November 17, 2026 Board Meeting
    - **City of Mountain View**
        - Referral to draft urgency ordinance and/or explore other approaches, September 8, 2026
        - Interim ordinance adopted at October 13, Council Meeting
    - **City of Los Altos**
        - Interim ordinance adopted September 22, 2026 Council Meeting
        - Interim ordinance extended at October 27, 2026 Council Meeting
    - **Monterey County**
        - Board Report of September 29, 2026
        - Interim ordinance adopted at September 29, 2026 Board Meeting
        - Interim ordinance extended at November 3, 2026 Board Meeting
    - **City of Gilroy**
        - Staff Report of October 5, 2026
        - Interim ordinance adopted at October 5, 2026 Council Meeting
        - Interim ordinance extended at November 2, 2026 Board Meeting
    - **City of Palo Alto**
        - Staff Report of October 26, 2026
        - Temporary ordinance adopted at October 26, 2026 Council Meeting
    - **Town of Los Gatos**
        - Referral to draft urgency interim ordinance, October 20, 2026
        - Staff Report of November 2, 2026
        - Interim ordinance adopted at November 2, 2026 Council Meeting
    - **City of Saratoga**
        - Staff Report of November 4, 2026
        - Interim ordinance scheduled for November 4, 2026 Council meeting
    - **City of Campbell**
        - Council referred staff to come back with urgency interim ordinance
        - Interim ordinance scheduled for November 17, 2026 Council Meeting
- **Federal Court Treatment of Local and State Jurisdictions' Efforts to Regulate Detention Facilities :**
    - **Tacoma, Washington:** passed zoning laws in 2018 specifically in response to environmental hazards, safety, and mistreatment concerns at the Northwest ICE Processing Center:

    - City of Tacoma enacted an ordinance that "prohibits correctional and detention facilities in all zoning districts other than light industrial, and requires a Conditional Use Permit [CUP] for new correctional and detention facilities (in zones where they are allowed) or significant modifications to existing ones" and "limit[s] the availability of expansion for correctional and detention facilities by conditional use…"
        - Note that City previously enacted a temporary/emergency ordinance/moratorium to prohibit expansion of the facility until it enacted its final ordinance.
    - U.S. District Court rejected Supremacy Clause-based arguments by private detention company in its order on a summary judgment motion to invalidate Tacoma's ordinance
        - Although the private contractor filed an appeal with the Ninth Circuit, it ultimately terminated the litigation when it abandoned expansion at the site.
        - The state of Washington also previously prohibited violations of state labor law by the same contractor, operating an ICE detention facility. *See Nwauzor v. The GEO Group, Inc.*, Nos. 21-36024, 21-36025 (9th Cir. Jan. 16, 2025)
- **Commonwealth of Pennsylvania:** Shapiro administration used environmental permitting authority to stall two ICE warehouse conversions in Berks and Schuylkill Counties (each designed to hold up to 4,500 people)
    - March 2026: state Department of Environmental Protection (DEP) prohibited DHS from connecting to local water or sewer systems until it demonstrated compliance with state environmental law
    - Agency found that converting warehouses would increase sewage output from ~8,000 gallons/day to >100,000 gallons/day, which would strain or exceed local treatment capacity and likely drain local drinking water wells completely. DEP prohibited occupancy until completion of full sewage planning and permitting.
    - ICE filed an appeal in April 2026.
    - DHS withdrew its plans for detention centers in July 2026 due to inability to meet environmental requirements and address critical water and sewer infrastructure concerns.
- **Howard County, Maryland:** Illustrates the **perils of jurisdictions that wait too late to act,** and in **directly regulating a federal operation** on grounds unrelated to health and safety impacts of local land use.
    - **After** a construction of an ICE detention facility was underway–and 90% complete–Howard County revoked a building permit for a private detention center in Elkridge, Maryland for failure to follow public notice

procedures (NOT on any health or safety ground). Genesis argued the new building was meant to replace the ICE Baltimore Field Office's longtime downtown Baltimore facility, and losing the permit caused "great economic harm" as they had spent more than $21.6 million to acquire, renovate and deliver the property for federal use.

- According to the district court, "The County's stated basis was that issuance of the permits had been erroneous and premature, because a Maryland statute prohibits local governments from "issu[ing] a permit for the construction of a building or the reuse of existing buildings or structures by any private entity for use as an immigration detention facility" without first providing public notice and completing a public comment period. …Although it is undisputed that the Elkridge Property was never going to operate as a privately-run facility and instead all along has been planned to be operated directly by the federal government (unlike some private immigration detention facilities in other states), the County contends that the statute still requires a notice and comment period before it can issue(or re-issue) construction permits for the Elkridge Property. "
- August 2026, US District Court Judge ordered County to reinstate the permit and cited "discrimination-based intergovernmental immunity doctrine."

A Few Other U.S. Cities and Counties Taking Action Through Land Use Law:

- **Greensboro, NC:** amended its land use ordinance to require special-use permits for detention facilities and impose new limitations on where they can be located
- **Kansas City, MO: i**mposed a five-year ban on non-municipal detention facilities
- **Portland, OR:** started process for fining private ICE detention facility for violations of conditional land use approval, which may lead to revocation of approval
- **Leavenworth, KS:** state and federal courts mandated private operator to comply with city's special use permitting process to reopen a previously shuttered ICE detention facility

III. URGENCY ORDINANCE

Cities (including charter cities) and counties have the authority to enact an "urgency measure," or interim ordinance, - prohibiting land uses that may conflict with a contemplated general plan, specific plan, or zoning proposal. *See* **California Government Code Section 65858.**

- This "first step" typically allows jurisdictions time to study the issue and come back with a proposed ordinance
- **Examples** of Local Government Moratoria/ Emergency Ordinances
- **Vote:** The urgency ordinance requires ⅘ vote of the city council/county board.
- **Findings:** The city must make specific findings of a current and immediate threat to public health, safety, or welfare.
- **Duration:** The initial ordinance lasts for **45 days**. It can subsequently be extended for **10 months and 15 days**, and then for an additional **one year**. [1, 2]
- **Unincorporated Areas:**
    - Requires passage by a 4/5 vote of county's **Board of Supervisors**. [1, 2]
    - Under Section 65858, the temporary restrictions apply specifically to land use and development solely within the **unincorporated areas** of that county. [1]
    - The same strict rules apply to counties regarding the 45-day initial limit, extensions up to two years, and the high standard of proof required to document an immediate threat to public health or safety. [1, 2, 3]

IV. DRAFT ORDINANCE

Modeled from Tacoma, Washington's urgency ordinance (utilizing AI) w/ review and input from local land use, environmental, and legal experts:

AN ORDINANCE OF THE [CITY/TOWN/COUNTY] OF _____ REGULATING NON-RESIDENTIAL HABITATION FACILITIES TO PROTECT PUBLIC HEALTH, SAFETY, WELFARE, AND INFRASTRUCTURE CAPACITY AMENDING SECTION_____ OF THE MUNICIPAL CODE

SECTION 1. PURPOSE AND FINDINGS

The [City Council/Board of Supervisors] finds and declares:

A. Non-residential habitation facilities generate substantial and unique impacts on public health, public safety, accessibility, agricultural resources, biological resources, air and water quality, and local infrastructure systems, including but not limited to water supply, wastewater treatment, storm drainage, electrical capacity, transportation networks, emergency medical response, fire protection, public health services, and housing demand.

B. California jurisdictions face significant existing constraints related to drought resilience, groundwater sustainability, electrical grid reliability, wastewater capacity, climate adaptation, loss of agricultural and biological resources, air and water pollution, wildfire and flood risk, emergency preparedness, environmental health, accessibility compliance, and housing shortages.

C. Existing General Plans, zoning maps, infrastructure master plans, climate adaptation plans, emergency response systems, accessibility infrastructure, and capital improvement programs were not designed to accommodate concentrations of residents, occupants, employees, contractors, and associated operational demands generated by non-residential habitation facilities not planned as traditional residential neighborhoods.

D. Concentrated habitation uses may create or intensify public health and safety risks, including overcrowding, inadequate emergency access, inaccessible facilities or services for persons with disabilities, incompatible industrial exposure, increased demand for emergency services, environmental hazards, groundwater contamination, disease transmission risks, utility failures, and insufficient infrastructure capacity. *[insert jurisdiction citation, e.g. under local police power authority for health and safety, land use authority, licensing authority, public health authority]*.

E. Federal and state law require that public accommodations, housing-related facilities, emergency services, transportation systems, and governmental operations be accessible to persons with disabilities, including compliance with the Americans with Disabilities Act ("ADA"), the Fair Housing Act ("FHA"), Section 504 of the Rehabilitation Act of 1973, California Building Standards Code accessibility requirements, and other applicable accessibility laws and regulations.

F. *[insert specific applicable examples of infrastructure challenges relative to locality, e.g. energy blackouts, flooding, impact of data center]* E.g. Santa Clara County has a rich agricultural history and was once recognized as the "Valley of Heart's Delight" famous for its orchards and canneries. In the past 30 years alone, Santa Clara County has lost 21,171 acres of its farmland and rangeland to development, and an additional 28,391 acres of farmland and rangeland in the County are at risk of conversion in the near future. Despite this, Santa Clara Valley retains agricultural lands and an important farming industry, with over 1,000 farms and a total output value of $1.6 billion and an annual agricultural production value of $371 million as of 2023. In 2018, the County adopted the Santa Clara Valley Agricultural Plan to shift the land use paradigm and create a comprehensive regional framework to preserve the remaining working lands and support a vibrant agricultural economy while mitigating climate change.

G. The [City/County] has a substantial interest in ensuring that new or expanded non-residential habitation facilities:

1. Protect public health, safety, and welfare;
2. Minimize impacts to the environment, including to agricultural resources, biological resources, and air and water quality;
3. Provide safe and accessible living conditions;
4. Do not impair the delivery of essential public services;
5. Do not degrade emergency response capabilities;
6. Do not displace planned housing growth;
7. Do not consume scarce infrastructure capacity needed for existing residents; and
8. Do not create incompatible land use patterns that endanger public health or safety.

H. The purpose of this ordinance is to:

1. Protect public health, safety, welfare, and accessibility;
2. Minimize impacts to the environment, including to agricultural resources, biological resources, and air and water quality;
3. Ensure adequate infrastructure and emergency service capacity exists prior to approval;
4. Ensure compliance with federal and state accessibility laws;
5. Prevent unsafe, inaccessible, or unhealthy occupancy conditions;
6. Prevent adverse impacts to housing, utilities, and community services;
7. Promote transparency and public participation;
8. Ensure consistency with the General Plan and applicable environmental laws;
9. Mitigate environmental justice impacts; and
10. Establish objective standards for review of non-residential habitation facilities.

SECTION 2. DEFINITIONS

A. "Non-Residential Habitation Facility"

A facility, campus, compound, installation, structure, or development in which persons reside, sleep, are housed, or otherwise remain overnight on a recurring or continuous basis, but which is not enumerated in the Zoning Code or General Plan as an allowable, conditional, or permitted use. Such facilities may include, but are not limited to:

- institutional residential facilities;
- congregate habitation facilities;
- secured campuses;
- processing and detention centers;
- dormitory-style housing associated with governmental or private operations;
- residential uses accessory to industrial, governmental, institutional, or commercial operations; and
- other residential occupancy arrangements not otherwise permitted by right within the applicable zoning district.

This definition shall not include:

1. Hotels or motels operating pursuant to transient occupancy regulations;
2. Licensed residential care facilities otherwise expressly permitted by state law;
3. Traditional multifamily residential development;
4. Student housing operated by accredited educational institutions;
5. Emergency shelters subject to state housing law protections; or
6. Warming centers, cooling centers, safe-parking facilities, or other sites solely providing for the unmet shelter needs of the local unhoused population

B. "Major Modification"

Any expansion, intensification, renovation, or operational change that:

1. Increases overnight occupancy capacity;
2. Increases staffing by more than ___%;
3. Increases water, sewer, or electrical demand;
4. Expands building area by more than ___ square feet or 10% of the existing building footprint, whichever is smaller;
5. Extends operating intensity;

6. Alters emergency access or evacuation capacity;
7. Requires additional utility infrastructure; or
8. Creates significant new impacts to the environment, based on substantial evidence, would create significant new impacts to the environment, including to agricultural resources, biological resources, or air and water quality.

C. Infrastructure Capacity Certification

A written determination issued by the applicable utility or service provider confirming available and committed capacity to serve the proposed facility without reducing adopted levels of service, emergency preparedness, accessibility compliance, or reliability standards for existing or planned users.

D. Health and Safety Impact Assessment

A technical study prepared by qualified professionals evaluating:

1. Fire and life safety conditions;
2. Emergency access and evacuation;
3. Accessibility compliance;
4. Public health impacts;
5. Exposure to hazardous materials or incompatible industrial uses;
6. Air quality and environmental exposure risks;
7. Risk of contamination of drinking water aquifers or groundwater resources;
8. Impacts to the environment, including to agricultural resources, biological resources, and air and water quality;
9. Occupancy density impacts;
10. Disease prevention and sanitation capacity; and
11. Adequacy of medical and emergency response resources.

E. Accessibility Compliance Plan

A plan prepared by qualified accessibility professionals demonstrating compliance with all applicable federal, state, and local accessibility laws, including:

1. The Americans with Disabilities Act;
2. Section 504 of the Rehabilitation Act;
3. The Fair Housing Act where applicable;
4. California Building Code accessibility requirements;
5. Accessible emergency evacuation and emergency communication systems; and
6. Reasonable accommodation procedures and policies.

SECTION 3. APPLICABILITY

This ordinance applies to:

1. All new non-residential habitation facilities;
2. Expansion or major modification of existing facilities; and
3. Non-residential habitation facilities operated by public agencies, private entities, contractors, institutional operators, or any other person or entity.

SECTION 4. PERMITTED ZONES

A. Non-residential habitation facilities are prohibited in:

- Low-density residential zones;
- Transit-oriented residential districts;
- Prime industrial preservation districts;
- Exclusive agricultural zones;
- Environmental justice overlay zones;
- Very-low-income housing opportunity sites identified in the Housing Element;
- Industrial zones;
- Hazardous industrial buffer zones;
- High fire severity zones where adequate evacuation capacity cannot be demonstrated; and
- Areas lacking adequate emergency medical or fire response capability.

B. Non-residential habitation facilities may only be permitted through approval of a Conditional Use Permit ("CUP") in:

- Public or institutional districts;
- Public/Quasi-Public districts; and
- Other districts specifically designated by the zoning code.

SECTION 5. CONDITIONAL USE PERMIT REQUIREMENTS

An applicant shall obtain a Conditional Use Permit prior to establishment, expansion, or major modification of any non-residential habitation facility.

Approval shall require public hearings before the [Planning Commission/Hearing Officer] and final action by the [City Council/Town/Board of Supervisors].

The applicant shall submit:

1. Infrastructure Capacity Certifications;
2. A Health and Safety Impact Assessment;
3. An Accessibility Compliance Plan;
4. Emergency operations and evacuation plans;
5. Utility demand analyses; and
6. Environmental review documentation required by CEQA.

The scope of required technical studies, mitigation measures, and operational conditions may be scaled proportionally to the size, occupancy, intensity, and operational characteristics of the proposed facility.

SECTION 6. INFRASTRUCTURE, HEALTH, SAFETY, AND ACCESSIBILITY REQUIREMENTS

No application shall be approved unless the applicant demonstrates, through substantial evidence and written certifications from applicable service providers and qualified professionals, that adequate infrastructure, accessibility measures, public health protections, and emergency service capacity exist.

Required certifications and analyses shall include:

A. Water Supply

Written verification from the water provider confirming:

1. Sufficient long-term water supply;
2. Consistency with Urban Water Management Plans;
3. Compliance with drought contingency requirements;
4. Adequate fire flow capacity; and
5. No reduction in service reliability for existing or planned users.

B. Wastewater and Sewer

Written certification from the sewer or sanitation provider confirming:

1. Adequate treatment and conveyance capacity;
2. No degradation of existing service levels;

3. No conflict with wastewater discharge permits; and
4. Adequate sanitation capacity to protect public health.

C. Electrical Infrastructure

Written certification from the electrical utility confirming:

1. Adequate grid and transmission capacity;
2. Ability to serve projected loads;
3. No material reduction in reliability for existing customers;
4. Backup power capability for life-safety and accessibility systems; and
5. Compliance with adopted climate and electrification goals.

D. Fire and Emergency Response

Analysis demonstrating:

1. Adequate fire response times;
2. Adequate emergency medical response;
3. Compliance with fire and life safety codes;
4. Sufficient emergency access routes;
5. Accessible emergency evacuation procedures and infrastructure;
6. Accessible emergency communications systems; and
7. Availability of emergency sheltering and incident response resources.

E. Public Health, Environmental Safety, and Accessibility

A Health and Safety Impact Assessment and Accessibility Compliance Plan evaluating:

1. Indoor and outdoor air quality;
2. Noise exposure;
3. Hazardous materials exposure;
4. Disease prevention measures;
5. Potable water and sanitation systems;
6. Occupant density impacts;
7. Heat resilience and climate exposure risks;
8. Compatibility with adjacent industrial or hazardous uses;
9. ADA-compliant access routes and facilities;
10. Accessibility of sleeping, restroom, dining, recreation, and medical areas;
11. Accessibility of transportation and evacuation systems; and
12. Policies for reasonable accommodation and nondiscrimination.

F. Transportation

A transportation impact analysis evaluating:

1. Employee trips;
2. Freight and service trips;
3. Transit accessibility;
4. Roadway impacts;
5. Accessible transportation accommodations;
6. Emergency access; and
7. Evacuation circulation capacity.

G. Housing Impact Analysis

An analysis evaluating:

1. Workforce housing demand generated by the facility;
2. Impacts on local rental markets; and
3. Consistency with Regional Housing Needs Allocation obligations.

SECTION 7. REQUIRED FINDINGS

The reviewing authority shall make all of the following findings before approval:

1. The project is consistent with the General Plan and Housing Element;
2. The project will not create significant adverse public health impacts;
3. The project will not create significant adverse environmental impacts, including to agricultural resources, biological resources, and air and water quality;
4. The project will not impair emergency response capabilities;
5. The project will not expose occupants to unsafe environmental conditions;
6. The project complies with all applicable federal, state, and local accessibility laws and regulations;
7. The project provides accessible facilities, emergency systems, and reasonable accommodations for persons with disabilities;
8. The project will not interfere with planned housing development or housing production targets;
9. The project will not consume infrastructure capacity identified for planned residential growth;
10. The project will not create disproportionate environmental burdens on disadvantaged communities;

11. The project complies with state environmental justice requirements;
12. The project will not impair industrial land preservation goals where applicable; and
13. Adequate mitigation measures and operational safeguards have been incorporated to protect public health, safety, and accessibility.

SECTION 8. COMMUNITY ENGAGEMENT REQUIREMENTS

A. Pre-Application Meeting

Applicants shall conduct at least one publicly noticed community meeting prior to submitting an application.

B. Expanded Notice Radius

Notice shall be mailed to:

- Property owners and occupants within 2,500 feet of the project site;
- Neighborhood organizations;
- School districts;
- Tribal governments where applicable;
- Public safety agencies;
- Public health agencies; and
- Disability rights and accessibility advocacy organizations serving the jurisdiction.

C. Language and Accessibility Requirements

All public notices, hearings, and community meetings shall:

1. Be translated into languages spoken by at least 5 percent of residents within the notice area;
2. Be conducted in ADA-accessible locations;
3. Provide reasonable accommodations upon request; and
4. Include accessible communication formats as required by law.

SECTION 9. CEQA COMPLIANCE

No project subject to this ordinance shall qualify for a categorical exemption under CEQA.

Environmental review shall evaluate:

- Impacts to agricultural resources, including to prime farmland, unique farmland, or farmland of statewide importance;
- Impacts to biological resources, including to wetlands, forest resources, habitat for threatened and endangered species, wildlife movement corridors, and riparian habitat;

- Water demand;
- Greenhouse gas emissions;
- Energy usage;
- Air quality impacts;
- Water quality impacts;
- Impacts to tribal cultural resources;
- Environmental justice impacts;
- Public health impacts;
- Accessibility impacts;
- Emergency evacuation impacts;
- Cumulative infrastructure impacts; and
- Housing displacement effects.

SECTION 10. OPERATIONAL HEALTH, SAFETY, AND ACCESSIBILITY COMPLIANCE

Operators shall maintain compliance with all applicable:

- Fire and building codes;
- Public health regulations;
- Accessibility laws and regulations;
- Emergency preparedness requirements;
- Utility service standards; and
- Permit conditions.

Operators shall immediately report to the [City/County]:

1. Major utility outages;
2. Fire or life safety incidents;
3. Hazardous material releases;
4. Emergency evacuations;
5. Significant public health incidents; or
6. Accessibility violations affecting occupants or the public.

SECTION 11. MANDATORY INSURANCE REQUIREMENTS

Operators shall maintain insurance issued by carriers authorized in the State with minimum coverage limits established by resolution of the City Council.

Required Coverages

A. Commercial General Liability

Coverage for bodily injury, property damage, and personal injury.

B. Professional Liability

Coverage for professional services provided on-site.

C. Medical Liability / Malpractice

If medical or behavioral health services are provided.

D. Property Insurance

Coverage for structures, improvements, and equipment.

E. Environmental Liability Insurance

Including coverage for:

- Sewage overflows;
- Wastewater contamination;
- Groundwater contamination;
- Pollution releases;
- Hazardous material discharges;
- Mold contamination;
- Stormwater discharge violations.

F. Pollution Legal Liability Coverage

G. Workers' Compensation Insurance

As required by state law.

H. Employer's Liability Insurance

I. Automobile Liability Insurance

J. Umbrella / Excess Liability Coverage

K. Additional Requirements

The City may require:

- The City named as additional insured;
- Waiver of subrogation;
- Primary and noncontributory coverage;
- Proof of insurance prior to occupancy;
- Annual renewals;
- Notice of cancellation provisions.

SECTION 12. BONDING AND FINANCIAL SECURITY

The City may require financial assurances sufficient to protect public resources and infrastructure.

A. Infrastructure Impact Bond

To secure:

- Road repairs;
- Utility system impacts;
- Water and sewer capacity improvements;
- Drainage infrastructure repairs.

B. Utility Damage Bond

To cover:

- Water line damage;
- Sewer system damage;
- Electrical infrastructure impacts;
- Unauthorized utility discharges.

C. Environmental Remediation Bond

To secure cleanup of:

- Sewage contamination;
- Hazardous materials releases;
- Soil contamination;

- Groundwater contamination;
- Stormwater pollution.

D. Performance Bond

To guarantee:

- Compliance with permit conditions;
- Completion of mitigation measures;
- Site restoration obligations.

E. Abandonment and Closure Bond

To ensure:

- Resident relocation;
- Site cleanup;
- Utility disconnection;
- Debris removal;
- Environmental remediation.

F. Cash Deposits and Letters of Credit

The City may accept:

- Surety bonds;
- Irrevocable letters of credit;
- Cash security deposits;
- Escrow accounts.

SECTION 13. ENFORCEMENT

A. Violations

Violations include:

- Operating without permits;
- Exceeding occupancy limits;
- Utility violations;

- Environmental violations;
- Failure to maintain insurance;
- Failure to maintain required bonds.

B. Remedies

The City may:

- Suspend or revoke permits;
- Issue administrative citations;
- Seek injunctive relief;
- Recover abatement costs;
- Impose civil penalties;
- Order emergency closure.

C. Emergency Orders

The City may immediately suspend operations where conditions present:

- Imminent public health risks;
- Fire hazards;
- Infrastructure failure;
- Environmental contamination;
- Unsafe occupancy conditions.

SECTION 14. ANNUAL COMPLIANCE REPORTING

Operators shall submit annual reports documenting:

1. Average daily occupancy;
2. Staffing levels;
3. Water and energy usage;
4. Emergency incidents;
5. Infrastructure demands;
6. Public health or safety violations;
7. Accessibility complaints or violations; and
8. Compliance with permit conditions.

Failure to comply may result in permit suspension or revocation.

SECTION 15. PERIODIC REVIEW

Conditional Use Permits approved under this ordinance shall be subject to review every five years to evaluate:

- Continued infrastructure adequacy;
- Emergency preparedness;
- Public health and safety performance;
- Accessibility compliance;
- Compliance with permit conditions;
- Environmental impacts; and
- Community compatibility.

SECTION 16. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is held invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION 17. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days following adoption.