ORDINANCE NO. 2020 - 04

AN ORDINANCE OF THE AVENAL CITY COUNCIL AMENDING TITLE 9, CHAPTER 9-79 OF THE AVENAL ZONING ORDINANCE RELATING TO RV/TRAILER PARKING ON PUBLIC STREETS

Section 1: Title 9, Chapter 9-79 of the Avenal Municipal Code is hereby amended to add the following language:

Chapter 9.79

PROPERTY MAINTENANCE, CODE ENFORCEMENT AND ABATEMENT PROCEDURES

Sections:

9.79.01 PURPOSE & APPLICATION
9.79.02 DEFINITIONS
9.79.03 PROHIBITED CONDUCT
9.79.04 VIOLATIONS
9.79.05 EXEMPTIONS
9.79.06 PROPERTY MAINTENANCE STANDARDS FOR DEVELOPED PROPERTIES
9.79.07 PROPERTY MAINTENANCE STANDARDS FOR UNDEVELOPED OR VACANT PROPERTIES
9.79.08 COMPLIANCE RESPONSIBILITY
9.79.09 ABATEMENT PROCEDURES
9.79.10 ISSUANCE OF WARNING AND ENFORCEMENT OF RECREATIONAL VEHICLES AND TRAILERS

Section 2: Title 9, Chapter 9-79, Section 9.79.02 of the Avenal Municipal Code is hereby amended to delete and add the following language:

> Original Parking Site: The on-street location at which an RV/trailer is observed to be parked by a member of the police department authorized by the police chief and/or a member of the code enforcement department as by statute or as directed by the police chief, to enforce the City's parking regulations.
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> Recreational Vehicle. ~~Any travel trailer, camper, motor home, or trailer (as defined in State Vehicle Code Sections 242, 243, and 630, respectively), or any camper shell or boat.~~ Hereafter referred to as "RV," means a vehicle or trailer capable of human habitation or designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any structure inspected, approved and designated a recreational vehicle and bearing the insignia of

the state of California or any other state or federal agency having the authority to approve recreational vehicles. RVs include, without limitation, any of the following: camp trailer, as defined by the California Vehicle Code Section 324; house car, as defined by California Vehicle Code Section 362; trailer coach, as defined by California Vehicle Code Section 635; mobile home, as defined by California Vehicle Code Section 396; bus, as defined by California Vehicle Code Section 233, whether altered or unaltered or for commercial or private use; boat, watercraft, and/or trailer for a boat or watercraft; trailers designed to carry persons, property or animals on its own structure and to be drawn by a motor vehicle; and recreational vehicle, as defined by the California Health and Safety Code Section 18010.

Trailer: A non-motorized vehicle designed to carry persons, property, animals, waste, materials, or any other items on its own structure and to be drawn by another motor vehicle which is not designed for recreational purposes.

Section 3: Title 9, Chapter 9-79, Section 9.79.06 of the Avenal Municipal Code is hereby amended to add the following language:

K. Parking Areas, Sidewalks, On-Street Parking of RVs and Trailers

Parking areas, private alleys, driveways, sidewalks, and walkways shall be maintained free of potholes, cracks, breaks, lifting, and other deteriorated conditions. The parking and storage of Vehicles are subject to the provisions in Table 9-7. The parking of vehicles is prohibited in the front or side yards. It is the City's intent that public streets not be utilized for the storage or long-term parking of RVs and trailers.

Section 4: Title 9, Chapter 9-79 of the Avenal Municipal Code is hereby amended to add the following language:

9.79.10 ISSUANCE OF WARNING AND ENFORCEMENT OF RECREATIONAL VEHICLES AND TRAILERS

A. Upon discovery of an RV/trailer parked on a street, a member of the Police Department authorized by the Police Chief, and/or a member of the Code Enforcement Department likewise authorized, to enforce the City's parking regulations may issue a written warning. The warning shall contain the RV/trailer information, as well as an informational flier explaining the City's on-street parking regulations

and how to comply with such regulations.

B. An RV/trailer will be allowed to park at an original parking site and on a street within one thousand (1,000) feet thereof during the seventy-two (72) hour period following the issuance of a written warning described in subsection A of this section. This seventy-two (72) hour period is hereinafter called the "seventy-two (72) hour parking period." The seventy-two (72) hour parking period will continue to run regardless of whether the RV/trailer is moved during such period. Upon the expiration of the seventy-two (72) hour parking period, the RV/trailer may not, except as expressly allowed in subsection C, park at the original parking site or on a street within one thousand (1,000) feet thereof for a period of one hundred sixty-eight (168) hours [seven (7) days]. This one hundred sixty-eight (168) hour [seven (7) day] period is hereinafter called the "one hundred sixty-eight (168) hour prohibited parking period."

C. If, during the one hundred sixty-eight (168) hour prohibited parking period, an RV/trailer is found to be in violation, a member of the Police Department and/or Code Enforcement Department, authorized by the Police Chief to enforce the City's parking regulations may issue a citation and/or have the vehicle removed from the street and impounded. This determination shall be at the discretion of the individual enforcing the provisions of this chapter. The original parking site may be established by photograph, marking device or other measurement from an identifiable landmark as utilized by the citation issuer.

D. An RV/trailer receiving a warning pursuant to subsection A, may, however, return to or park at the original parking site or on a street within one thousand (1,000) feet thereof during the one-hundred sixty-eight (168) hour prohibited parking period if the following two (2) conditions are met:

1) The RV/trailer may only return for the purpose of loading or unloading during the hours of seven a.m. to seven p.m.; and

2) The owner or person having custody of the RV/trailer must notify the Avenal Police Department and/or Code Enforcement Department of the RV/trailer's return for the purpose of loading or unloading. The Avenal Police Department and/or Code Enforcement Department shall document the call in its CAD/RMS system. No owner or person having custody of the RV/trailer may request more than two (2) of the daytime exceptions during the one hundred sixty-eight (168) hour prohibited parking period.

If these two (2) conditions are not met, the RV/trailer may be cited and/or removed from the street/alley and impounded per subsection C.

E. Violation--Administrative Penalty: Any operator or owner of the RV/trailer who has violated any of the provisions of this chapter may be subject to an administrative citation and fine for such violations. Fines shall be established by resolution of the City Council.

F. Violation—Infraction: Any person who shall violate any of the provisions of this chapter shall be guilty of an infraction and shall be punishable as provided in subsection (b) of Section 36900 of the Government Code of the state. Fines shall be established by resolution of the City Council.

NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Avenal, or any official, employee or agent thereof.

PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Avenal hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Avenal Municipal Code as amended by this ordinance are substantially the same as provisions in the Avenal Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Avenal Chimes, a newspaper printed and published in the City of Avenal, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE WAS PASSED AND ADOPTED at a regular meeting of the Avenal City Council on the 9th day of July, 2020, by the following roll call vote:

AYES: RAMIREZ, HERNANDEZ, PRECIADO, OVALLE.
NOES: NONE.
ABSTAIN: NONE.
ABSENT: WOOLLEY.

Approved: _____
Dagoberto Ovalle, **MAYOR**

ATTEST:

_____
Maria A. Ortiz, **CITY CLERK**

Text of Zoning Changes

The Avenal Zoning Ordinance would be amended as follows (additions underlined, deletions in ~~strikethrough~~):

Chapter 9.79

PROPERTY MAINTENANCE, CODE ENFORCEMENT AND ABATEMENT PROCEDURES

Sections:

9.79.01 PURPOSE & APPLICATION
9.79.02 DEFINITIONS
9.79.03 PROHIBITED CONDUCT
9.79.04 VIOLATIONS
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9.79.09 ABATEMENT PROCEDURES
9.79.10 ISSUANCE OF WARNING AND ENFORCEMENT OF RECREATIONAL VEHICLES AND TRAILERS

9.79.02 DEFINITIONS. The words and phrases contained in this Section shall, for the purposes of this Chapter, be defined as follows, except where the context clearly indicates a different meaning.

Original Parking Site: The on-street location at which an RV/trailer is observed to be parked by a member of the police department authorized by the police chief and/or a member of the code enforcement department as by statute or as directed by the police chief, to enforce the City's parking regulations.

Recreational Vehicle: ~~Any travel trailer, camper, motor home, or trailer (as defined in State Vehicle Code Sections 242, 243, and 630, respectively), or any camper shell or boat.~~

Hereafter referred to as "RV," means a vehicle or trailer capable of human habitation or designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any structure inspected, approved and designated a recreational vehicle and bearing the insignia of the state of California or any other state or federal agency having the authority to approve recreational vehicles. RVs include, without limitation,

any of the following: camp trailer, as defined by the California Vehicle Code Section 324; house car, as defined by California Vehicle Code Section 362; trailer coach, as defined by California Vehicle Code Section 635; mobile home, as defined by California Vehicle Code Section 396; bus, as defined by California Vehicle Code Section 233, whether altered or unaltered or for commercial or private use; boat, watercraft, and/or trailer for a boat or watercraft; trailers designed to carry persons, property or animals on its own structure and to be drawn by a motor vehicle; and recreational vehicle, as defined by the California Health and Safety Code Section 18010.

Trailer: A non-motorized vehicle designed to carry persons, property, animals, waste, materials, or any other items on its own structure and to be drawn by another motor vehicle which is not designed for recreational purposes.

9.79.06 PROPERTY MAINTENANCE STANDARDS FOR DEVELOPED PROPERTIES. All developed real property in the City shall be maintained at a level not less than the following standards. The City shall investigate potential violations of these standards on a complaint driver basis.

K. Parking Areas, Sidewalks, on-street parking of RVs and trailers

Parking areas, private alleys, driveways, sidewalks, and walkways shall be maintained free of potholes, cracks, breaks, lifting, and other deteriorated conditions. The parking and storage of Vehicles are subject to the provisions in Table 9-7. The parking of vehicles is prohibited in the front or side yards. It is the City's intent that public streets not be utilized for the storage or long-term parking of RVs and trailers.

9.79.10 ISSUANCE OF WARNING AND ENFORCEMENT OF RECREATIONAL VEHICLES AND TRAILERS

A. Upon discovery of an RV/trailer parked on a street, a member of the Police Department authorized by the Police Chief, and/or a member of the Code Enforcement Department likewise authorized, to enforce the City's parking regulations may issue a written warning. The warning shall contain the RV/trailer information, as well as an informational flier explaining the City's on-street parking regulations and how to comply with such regulations.

B. An RV/trailer will be allowed to park at an original parking site and on a street within one thousand (1,000) feet thereof during the seventy-two (72) hour period following the issuance of a written warning described in subsection A of this section. This seventy-two (72) hour period is hereinafter called the "seventy-two (72) hour parking period." The seventy-two (72) hour parking period will continue to run regardless of whether the RV/trailer is moved during such period. Upon the expiration of the seventy-two (72) hour parking period, the RV/trailer may not, except

as expressly allowed in subsection C, park at the original parking site or on a street within one thousand (1,000) feet thereof for a period of one hundred sixty-eight (168) hours [seven (7) days]. This one hundred sixty-eight (168) hour [seven (7) day] period is hereinafter called the "one hundred sixty-eight (168) hour prohibited parking period."

C. If, during the one hundred sixty-eight (168) hour prohibited parking period, an RV/trailer is found to be in violation, a member of the Police Department and/or Code Enforcement Department, authorized by the Police Chief to enforce the City's parking regulations may issue a citation and/or have the vehicle removed from the street and impounded. This determination shall be at the discretion of the individual enforcing the provisions of this chapter. The original parking site may be established by photograph, marking device or other measurement from an identifiable landmark as utilized by the citation issuer.

D. An RV/trailer receiving a warning pursuant to subsection A, may, however, return to or park at the original parking site or on a street within one thousand (1,000) feet thereof during the one-hundred sixty-eight (168) hour prohibited parking period if the following two (2) conditions are met:

1) The RV/trailer may only return for the purpose of loading or unloading during the hours of seven a.m. to seven p.m.; and

2) The owner or person having custody of the RV/trailer must notify the Avenal Police Department and/or Code Enforcement Department of the RV/trailer's return for the purpose of loading or unloading. The Avenal Police Department and/or Code Enforcement Department shall document the call in its CAD/RMS system. No owner or person having custody of the RV/trailer may request more than two (2) of the daytime exceptions during the one hundred sixty-eight (168) hour prohibited parking period.

If these two (2) conditions are not met, the RV/trailer may be cited and/or removed from the street/alley and impounded per subsection C.

E. Violation--Administrative Penalty: Any operator or owner of the RV/trailer who has violated any of the provisions of this chapter may be subject to an administrative citation and fine for such violations. Fines shall be established by resolution of the City Council.

F. Violation—Infraction: Any person who shall violate any of the provisions of this chapter shall be guilty of an infraction and shall be punishable as provided in subsection (b) of Section 36900 of the Government Code of the state. Fines shall be established by resolution of the City Council.

RECOMMENDATION:

Staff recommends that the City Council:

1) Open the public hearing to accept comments on the City's proposed changes to the Avenal Zoning Ordinance, Chapter 9.79

2) By motion, introduce the proposed changes to the Avenal Zoning Ordinance and waive the first reading.

FISCAL IMPACT:

Up to $10,000 from General Fund for required signage.

Chapter 9.79

PROPERTY MAINTENANCE, CODE ENFORCEMENT AND ABATEMENT PROCEDURES

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9.79.01 PURPOSE & APPLICATION. The purpose of this Chapter is to identify property maintenance standards, and establish procedures for the prosecution and abatement of public nuisance conditions to eliminate visual blight, protect the value of adjacent properties, and to protect the health, safety and general welfare of the community as a whole.

9.79.02 DEFINITIONS. The words and phrases contained in this Section shall, for the purposes of this Chapter, be defined as follows, except where the context clearly indicates a different meaning.

City Code Enforcement Officer. The City Code Enforcement officer or a designee.

Commercial Vehicle. Any motorized or non-motorized Vehicle used or maintained to transport property or goods for profit or persons for hire or compensation.

Inoperative Vehicle. A Vehicle is "inoperative" if it is:

A. Mechanically incapable of being driven; or

B. Prohibited from being operated on a public street or highway pursuant to the provisions of Vehicle Code Sections 4000, 5202, 24002, or 40001.

On or Adjacent to Real Property. Includes all areas of the real property including but not limited to the rear side, or front yard areas, parkways, sidewalks, or on abutting streets in all zones in the City except for items contained within a receptacle for collection of solid waste pursuant to the City of Avenal Municipal Code.

Owner, Vehicle. The last registered owner and the legal owner of record.

Original Parking Site: The on-street location at which an RV/trailer is observed to be parked by a member of the police department authorized by the police chief and/or a member of the code enforcement department as by statute or as directed by the police chief, to enforce the City's parking regulations.

Parkway. The area between any real property line and the edge of the pavement of a public Street.

Public Nuisance.

A. Any property that is not maintained pursuant to Section 9.79.06 of this Chapter, and is in such a condition as to be detrimental to the health, safety, or welfare of the public or the adjoining property.

B. The presence of vacant real property in the City that is not properly secured, fenced, boarded up, and maintained pursuant to Section 9.79.07 of this Chapter, and which is in such a condition as to be detrimental to the health, safety, or welfare of the public or the adjoining property.

C. The presence of an abandoned, wrecked, dismantled or inoperative vehicle, or part thereof, on private or public property not including streets, except as permitted in Section 9.79.05.

D. The presence of weeds growing upon any parkway, sidewalk or on private property within the City.

E. The presence of rubbish or trash upon parkway, sidewalk, or private property.

F. The breeding and raising of animals whether for domestic, hobby, food, scientific or fur-bearing purposes.

Public Property. Land, buildings, structures, or fixtures that are owned by a public agency. For the purposes of this Chapter, public property does not include streets.

Recreational Vehicle. ~~Any travel trailer, camper, motor home, or trailer (as defined in State Vehicle Code Sections 242, 243, and 630, respectively), or any camper shell or boat.~~

Hereafter referred to as "RV," means a vehicle or trailer capable of human habitation or designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any structure inspected, approved and designated a recreational vehicle and bearing the insignia of the state of California or any other state or federal agency having the authority to approve recreational vehicles. RVs include, without limitation, any of the following: camp

trailer, as defined by the California Vehicle Code Section 324; house car, as defined by California Vehicle Code Section 362; trailer coach, as defined by California Vehicle Code Section 635; mobile home, as defined by California Vehicle Code Section 396; bus, as defined by California Vehicle Code Section 233, whether altered or unaltered or for commercial or private use; boat, watercraft, and/or trailer for a boat or watercraft; trailers designed to carry persons, property or animals on its own structure and to be drawn by a motor vehicle; and recreational vehicle, as defined by the California Health and Safety Code Section 18010.

Residential Use. Any property zoned for residential use as established in Chapter 9.02 of this Title. Sidewalks, parkways, and streets adjacent to residential property shall be considered a residential area for purposes of this Chapter.

Residentially-Developed Property. Any property developed with a conforming dwelling unit or legal nonconforming dwelling unit.

Responsible Official. City/County Chief Law Enforcement Official, Fire Chief, Building Official, Code Enforcement Officer or designee.

Responsible Party. The owner, lessee, agent, person, or entity in lawful charge or possession of the property.

Rubbish. All waste which includes but is not limited to:

Trailer: A non-motorized vehicle designed to carry persons, property, animals, waste, materials, or any other items on its own structure and to be drawn by another motor vehicle which is not designed for recreational purposes.

A. Animal or human offal, asphalt, inoperative bicycles and parts, boards, inoperative boats and parts, bottles, boxes, bricks, cans, cartons, cement, cinder blocks, concrete, containers, crates, dirt, doors, equipment, glass, gravel, hazardous waste, hoses, lumber, machinery, metal, paint, pallets, paper, pipe, plaster, rebar, rocks, rubber, sand, siding boards, stucco, tile, windows, wire, wood, and other similar material.

B. Trimmings, clippings and cuttings from lawns, shrubs and trees, and all dead or uprooted grass, sod, shrubs, trees, vegetables, dirt, and firewood piles.

C. Rugs, mattresses, furniture, utensils, clothing, toys, appliances, household supplies and equipment.

D. Vehicle bodies, motors, tires, parts and accessories.

E. Any other similar item and material of residential, commercial or industrial nature existing in an unusable, inoperative, discarded or abandoned condition.

Street. A public street, drive, right-of-way, avenue, highway, place, alley, lane, court, or way.

Vacant Real Property. Any vacant parcel of land, building or structure on real property in all zones in the City where the responsible party has intentionally left such property vacant and unoccupied for a period of time exceeding 30 calendar days.

Vehicle. An automobile, truck, motorcycle, trailer, and any other device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power.

Weeds. Plant material that is noxious or dangerous, and/or dry grass, stubble, brush, or other flammable material that creates a fire hazard, and/or green weeds that are one foot in height or greater.

9.79.03 PROHIBITED CONDUCT. Except as provided in Section 9.79.05, it shall be unlawful for any responsible party having charge or possession of any real property in the City to:

A. Operate any business activity in the City without a business license registration certificate and appropriate planning and zoning approval.

B. Operate any business or other activity in the City not consistent with all of the terms and conditions of all applicable zoning approvals and approved plans granted by the City. This includes, but is not limited to, business license registration certificates, Home Occupation Permits and CUP's.

C. Allow upon any premises under his/her control the placement of any temporary or permanent signs without appropriate zoning and building permit approval.

D. Keep, store, or maintain on or in front of any real property, or in or on any Vehicle upon the real property under his/her control any litter, Rubbish or Weeds, when such material is open to view at Street level from a Parkway, Street, or adjoining property, or in such a condition as to be detrimental to the health, safety and welfare of the inhabitants of such real property or any adjoining property.

E. Not maintain any parcel of land, building, or structure on real property in conformance with the standards contained in Section 9.79.06 of this Chapter.

F. Permit any parcel of land, building, or structure on real property to remain a vacant real property without properly securing and maintaining the property pursuant to Section 9.79.07 Vacant Property Maintenance Standards of this Chapter.

G. Allow upon any premises under his/her control the use of any pay telephone that is used as an instrument for or contributes substantially by its presence to any of the following conditions:

1. Selling or giving away controlled substances (as defined in Division 10 of the State Health and Safety Code); soliciting, agreeing to engage in, or engaging in any act of prostitution; or other criminal activity.

2. Consumption of alcoholic beverages on nearby outdoor public or private property except where outdoor consumption of alcoholic beverages is specifically authorized pursuant to an Alcoholic Beverage Control license.

H. Allow upon any premises under his/her control any swimming pool, pond, spa, or other body of water or excavation which is abandoned, unattended, or unfiltered.

I. Allow the disposal or storage of oil, grease, other petroleum products, noxious chemical, pesticides, or any gaseous, liquid, or solid waste in such a manner to constitute a health or fire hazard or degrade the appearance of or detract from the aesthetic and property values of neighboring properties.

J. Keep, store, or maintain upon any premises under his/her control any abandoned, wrecked, dismantled, or inoperative vehicle, or part thereof, except as permitted by Section 9.79.05.

K. Keep, store, or maintain upon any premises under his/her control any vehicle or recreational vehicle, except as permitted by Section 9.79.05.

L. Use any parked or stored Vehicle or Recreational Vehicle, operative or not, as temporary or permanent living space unless exempted pursuant to Section 9.79.05.

M. Use a garage, shed or accessory structure, or any portion thereof, as a temporary or permanent living space or as a meeting room.

N. Keep, store, or maintain in any residential zone or on any residentially-developed property any of the following:

1. Construction and/ or business equipment, supplies, materials, or machinery of any type or description, including cargo containers;

2. Buses, tow trucks, dump trucks, flatbed trucks, tractors, tractor trailers, truck trailers, catering trucks (mobile food services);

3. Any other commercial Vehicle over 25-feet long or 8 feet in height or 90-inches wide; or,

4. Portable restroom facilities.

O. Allow accessory structures including but not limited to walls, fences, drainages, sidewalks, sheds, garages, playhouses, lean-to's, and wall hedges to fall into a state of disrepair or deterioration.

P. Abandon or discard any personal property including rubbish as described in Section 9.79.02 on any public property including a Street. Except when deposited in an approved City of Avenal refuse container in the manner prescribed by the City of Avenal Municipal Code.

Q. Breed and/or raise animals for domestic, hobby, food, scientific or fur bearing purposes.

R. Keep or store any non-operable vehicle in any, street or residential driveway.

9.79.04 VIOLATIONS. A violation of this Chapter is a misdemeanor pursuant to the City of Avenal Municipal Code and such violation may be established by evidence obtained by the Chief Law Enforcement Official, Fire Chief, Building Official, Code Enforcement Officer, or their designees (Responsible Official).

9.79.05 EXEMPTIONS. The provisions of this Chapter shall not apply to the following:

A. Any material currently in use in the course of lawful permitted construction, demolition or landscaping on the site.

B. Any material contained within a fully enclosed structure or lawfully constructed solid, opaque wall, or fence, and such material is not in a condition as to be detrimental to the health, safety, or welfare of the inhabitants of such real property, the public, or any adjoining property.

C. A mobilehome or recreational vehicle permitted as a temporary dwelling unit pursuant to Table 9-3 and in compliance with the provisions as set forth in Section 9.19.01.

D. Nothing in this section shall be construed as authorizing the maintenance of a public or private nuisance.

9.79.06 PROPERTY MAINTENANCE STANDARDS FOR DEVELOPED PROPERTIES. All developed real property in the City shall be maintained at a level not less than the following standards. The City shall investigate potential violations of these standards on a complaint driver basis.

A. Address Numerals

Street Address Numerals shall be maintained pursuant to following:

1. For single-family dwelling units, street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley.

2. For multi-family dwelling units, street address shall be visible from the public street and shall be displayed on the complex identification sign. If there is no complex identification sign, the street address may be displayed on the fascia adjacent to the main entrance or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Identification of individual units shall be provided adjacent to the unit entrances.

3. For non-residential properties, street address shall be visible from the public street and shall be displayed on the freestanding sign as allowed in Chapter 9.61 of this title. If there is no freestanding sign, the street address may be displayed on the fascia adjacent to the main entrance or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Identification of individual units shall be provided adjacent to the unit entrances.

B. Building Exteriors and Roofs

Exterior building surfaces and roofs for all buildings including accessory buildings and structures shall be maintained free of significant surface cracks, missing materials, warping and dry rot which either threaten the structural integrity, or result in a dilapidated, decaying, disfigured, or partially ruined appearance.

C. Condition of Structures

Structures shall not be partially destroyed, abandoned, unsecured, or permitted to remain in a state of, except properties with valid current building permits on file with the City of Avenal Building and Code Enforcement Department, partial construction for more than 30 days. Buildings or structures shall not be boarded up for a period in excess of 10 days without a valid demolition or building permit on file, except in compliance with Section 9.79.07.

D. Drainage

Onsite drainage improvements shall be maintained in order to prevent deterioration, disrepair, and ineffectiveness.

E. Excavations

Excavations, abandoned wells, shafts, basements, and other holes shall be properly secured to prevent access by unauthorized persons.

F. Graffiti

All structures, equipment, walls, and fencing on the property shall be maintained free of graffiti.

G. Landscaping

All landscaping on the property (existing and new development) shall be maintained pursuant to Chapter 9.63 of this Ordinance and all landscaping visible from a public street shall be maintained in a healthy condition free of dying, dead, diseased, decayed, discarded and/or overgrown vegetation.

H. Lighting

All exterior light fixtures shall be maintained in good working order free of broken lamps, lens, and light bulbs. Furthermore, the structural integrity of all supporting poles and mounting fixtures shall be maintained. All insulation and connections shall be intact and free of exposed wire. Outdoor lights must be shielded and directed to shine on improvements including plants on the zoning plot where the lights are located and not directly on other property or any public right-of-way.

I. Outdoor Drying

In all residential zones or residential developments, the outdoor airing and/or drying of laundry, clothes, other household linens, or food is permitted only in rear or side yards, provided that the items are not visible from a public street excluding alleys.

J. Paint

Painted surfaces on buildings, trash enclosures, walls, retaining walls, fences, and structures shall be maintained in order to prevent decay, excessive cracking, peeling, chalking, dry rot, warping, or termite infestation.

K. Parking Areas, Sidewalks, on-street parking of RVs and trailers

Parking areas, private alleys, driveways, sidewalks, and walkways shall be maintained free of potholes, cracks, breaks, lifting, and other deteriorated conditions. The parking and storage of Vehicles are subject to the provisions in Table 9-7. The parking of vehicles is prohibited in the front or side yards. It is the City's intent that public streets not be utilized for the storage or long-term parking of RVs and trailers.

Pools

Barrier fencing and gates for swimming pools and spas shall be maintained as required by the California Building Code. Swimming pools and spas shall not contain unfiltered or stagnant water.

L. Rodent and Vermin Control

All property, including landscaped areas, buildings, and structures, shall be maintained free of rodents and other vermin in accordance with the requirements of the Kings County Environmental Health Department.

M. Signs

All signs and sign structures shall be maintained in order to prevent deterioration, disrepair, and unsightliness. The structural integrity of all supporting poles, and mounting fixtures shall be maintained. All sign faces shall be maintained free of missing lettering or lighting.

N. Trash Bins

Trash bins or dumpsters shall be kept within an enclosed building, trash enclosure, or screened from public view to the maximum extent feasible. Overflowing trash bins or dumpsters due to inadequate number of bins and/or request for service from the trash hauler are prohibited. Use of commercial trash bins for residential uses other than during construction with a valid building permit is prohibited.

O. Use of Canopies

The use of portable canopies in non-residential zones is allowed 20 feet back of sidewalk. The use of portable canopies, including portable carports, in residential zones is allowed 20 feet back of sidewalk.

a) All canopies shall be constructed out of durable materials, such as heavy duty polyester, polyethylene, and sheet metal, and kept in a serviceable, well-maintained, and presentable manner. Vinyl tarps are not an allowed canopy material.

b) All carports shall be constructed out of durable materials and must be securely attached to the ground in a way that does not create visual blight or a safety hazard.

Any canopy structure existing prior to December 31, 2000 within the City limits of the City of Avenal shall be exempt from abatement removal provided:

1. The owner applies to the City for an exemption and provides proof of date of installation.
2. The owner pays an exemption/ inspection fee of $25 every two years. This fee may be modified from time to time by Resolution of the City Council.
3. An inspection by the City establishes that the canopy structure is safe, in good repair, and well maintained.

P. Use of Tarps

Use of tarps for roof and building repairs in excess of 60 days is prohibited. Additionally, the use of tarps for vehicle covers, carports, or temporary canopies, enclosures, and/or awnings is allowed 30 feet back of sidewalk.

Q. Walls, Fences, and Trash Enclosures

All walls, retaining and planter walls, and fences abutting a street or trash enclosure shall be maintained free of significant surface cracks, dry rot, warping, deterioration, leaning, missing panels or blocks which either threaten the structural integrity, or result in a dilapidated, decaying, disfigured, or partially ruined appearance.

All fences, walls and hedges shall be maintained in a structurally sound and attractive manner. Adjoining property owners shall share equal responsibility for the cost of construction or repairs for any fence dividing their properties in accordance with California Civil Code Section 841.

R. Window Screens and Security

All window and glass door screens shall be maintained free of tears, rips, and holes. On residential rental properties, window screens are required on all windows. Security bars are prohibited in all non-residential zones.

S. Windows

Broken windows and glass doors and the use of materials other than glass as a replacement or covering of windowpanes are prohibited.

T. Any telephone booth that is non-operational for more than 60 days must be removed at the cost of the owner or operator.

9.79.07 PROPERTY MAINTENANCE STANDARDS FOR UNDEVELOPED OR VACANT PROPERTIES.

A. Mandatory standards

All vacant real property in the City shall be secured and maintained at a level not less than the following standards during the time period that such property remains vacant real property:

1. Graffiti. All structures, equipment, walls, and fencing on the property shall be maintained free of graffiti.

2. Rubbish, Litter and Weeds. All landscaped, concrete, dirt, or paved open areas on the real property and adjoining public parkway shall be kept clear

of rubbish, litter, and weeds. All rubbish, litter and weeds shall be removed according to the following standards:

a. Small lots 1 acre or less.

Lot is to be scraped of all weeds, trash, and debris, to include all areas outside of property fence (if present) to the edge of pavement or street curbing at front and side streets; and at the rear of alley or center of non dedicated easement if applicable. Grass or weeds unable to be scraped such as in corners of lot or along fences shall be cut to within 1 inch of ground. All weeds, trash, and debris are to be removed from property and properly disposed of at an approved City/County disposal site.

b. Large lots greater than 1 acre.

Parcels exceeding 1 acre whether residential or non residential may be cleaned by scraping, plowing or tilling soil until soil is rolled, creating a path 20 feet in width completely around the perimeter of parcel unless otherwise specked by Responsible Officer. All trash and debris in area are to be cleaned, are to be removed from property and disposed of at an approved City/County disposal site.

c. Lots containing structures and/or trees.

Lots unable to be scraped shall be cleaned by mowing or cutting grass or weeds to within 1 inch of the ground. All shrubbery adjacent to structures covering window areas shall be cut or trimmed to windowsill height. Tree branches shall be cut to provide six (6) feet of clear area above ground. All weeds, trash, and debris are to be cleaned and removed from the property and disposed of at an approved City/County disposal site.

Note: Tumbleweeds and similar vegetation must be removed prior to tilling the soil.

B. Additional Standards

When deemed necessary by the Responsible Official, all windows, doors, and other open access features to the structures on the real property shall be boarded up and secured.

a. Any missing or broken windows or doors shall be covered as specified. Complete boarding of all unbroken windows shall only be required when specified by the Responsible Official.

b. Exterior door openings may be secured against entry by locking or using #10 minimum flathead wood screws penetrating a minimum of ¾ inches into framing members, only if doors do not contain glazing panes.

c. All wood used to cover openings shall be new or comparable (to be approved by Responsible Official), exterior grade ½-inch nominal thickness plywood or O.S.B. (oriented strand board) board. Only one piece of plywood or O.S.B. board shall be used per opening unless the opening requires more than one 4-foot by 8-foot sheet in which case, splices shall have 2-inch by 4 inch backing the complete length of the splice. Plywood or O.S.B. board shall extend 2 inches minimum beyond opening on all sides and shall be seared by #10 minimum flathead wood screws. Screws shall be spaced 12 inches on center around complete opening and shall penetrate framing members a minimum of 3/4 inches.

d. Where applicable, plywood or O.S.B. board shall extend flush to top of door threshold and protruding windowsills.

e. All variations from above requirements shall be approved by Responsible Official.

f. Contactor shall first confer with officer prior to submitting bid for special board-up conditions such as apartment buildings, motels, or commercial buildings.

g. All boards visible from the building's exterior shall be painted to match the buildings' exterior.

h. Refill holes, which are more than one-foot in depth.

2. A building shall be permitted to be boarded up for no longer than six months. If a demo permit or building permit are not issued within six months, the City shall initiate abatement proceedings.

3. Fencing. The property shall be temporarily fenced on all sides along the property line with a chain link fence or other type of secure fencing at a minimum height of 6 feet from grade, or greater, as determined by the fire chief or Public Works Director. The fence shall be properly posted with no trespassing signs, and kept clear of all other signs, except lawfully installed real estate signs for the lease or sale of the property and signs identifying ownership of the property or fencing.

   All fences, walls and hedges shall be maintained in a structurally sound and attractive manner. Adjoining property owners shall share equal responsibility for the cost of construction or repairs for any fence dividing their properties in accordance with California Civil Code Section 841.

4. Security lighting. All structures which could be used for human habitation shall have a minimum of one light each in the front and rear yards. Such lighting shall be capable of illuminating the structure's exterior so as to be visible from the street from dusk to dawn. However, the lights shall be shielded to avoid lighting adjacent properties.

5. Telephone Booth. Any telephone booth that is non-operational for more than 60 days must be removed at the cost of the owner/operator.

9.79.08 COMPLIANCE RESPONSIBILITY. Compliance with the standards contained in this Chapter shall be at the sole cost of the responsible party for the vacant real property and shall not limit the remedies or recovery of costs for the abatement of any vacant real property found to be in violation by City Council or its designee pursuant to this Ordinance.

9.79.09 ABATEMENT PROCEDURES.

A. Abatement Administrative Costs

1. City Council Authority. Upon discovering that a property is in violation of this Chapter, the City Council or its designee shall have the authority to cause the abatement and removal of the violation in accordance with the procedures prescribed in this Chapter.

2. Administrative Costs. The City Council shall determine and fix the amount to be assessed as administrative costs in addition to the actual costs for removal of the public nuisance conditions on the real property pursuant to this Chapter.

B. Abatement Authorized

1. Responsible Officials. The Public Works Director, Code Enforcement Officer, Fire Chief or their designees are authorized to abate any dangerous building or conditions found to exist on real property subject to this Chapter. Such abatement action may include but is not limited to the implementation of standards in Sections 9.79.06 and 9.79.07 of this Chapter.

2. Weed and Rubbish Abatement. The Fire Chief, Code Enforcement Officer or any Responsible Official is authorized to abate any rubbish or weeds found to exist on any real property subject to this Chapter.

3. Abandoned, Wrecked, Dismantled, or Inoperative Vehicles. Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or part thereof, on private property or, public property within the City, the Responsible Official shall have the authority to cause its abatement and removal in accordance with the procedures prescribed in this Chapter.

C. Abatement Procedures, Excepting Abandoned, Wrecked, Dismantled, or Inoperative Vehicles

1. Resolution. Where the Responsible Official or their designees find conditions to exist on any real property in the City that violates this Chapter, the City Council by resolution may declare such conditions a public nuisance. A resolution shall refer to the real property by the name under which it is commonly known, or by the street upon which the private property fronts or abuts or nearest to which the private property is located. The Resolution shall describe the property upon which the public nuisance appears, in the manner set forth in subsection C2.

2. Property Description. The resolution shall describe the property upon which, or in front of which, the public nuisance exists by describing the property in accordance with the map used in describing property for taxation purposes. No other description shall be necessary. If the private property fronts or abuts upon more than one street, it shall be necessary to refer to only one of the streets. Any number of streets or parcels of private property may be included in one resolution.

3. Notice. Notice of the hearing at which the City Council will consider a resolution declaring a public nuisance shall be provided at least 10 days in advance of the hearing to the owner of the affected premises, as shown on the latest real property tax assessment roll, and any known responsible party, shall, if practical, be posted on the affected premises. The Responsible Official is hereby designated as the person to give notice to the Responsible Party to abate the public nuisance conditions on the real property. The Responsible Official shall have the power to develop such regulations, forms, and procedures as are necessary to accomplish the purposes of this Chapter. After City Council has passed a resolution pursuant to this Section, the notice to the Responsible Party to abate the public nuisance conditions shall comply with the following:

   (a) The notice shall be substantially in the following form:

   NOTICE TO ABATE PUBLIC NUISANCE

   Notice is hereby given that on the _____ day of _____, 20__, the City Council of the City of Avenal passed a resolution declaring that conditions detrimental to the public health, safety or welfare exist upon the real property on or nearest to Street/road/avenue in the City, and that the conditions constitute a public nuisance which must be abated by the City, and the cost of removal assessed upon the land from which such public nuisance conditions were removed and will constitute a lien upon such land until paid. Reference is hereby made to Resolution No.

_____ for more particulars. A copy of the resolution is on file in the Office of the City Clerk, 919 Skyline Boulevard, Avenal, CA 93204.

All property owners and other Responsible Parties having any objections to the proposed removal of such public nuisance conditions are hereby notified to attend the meeting of the City Council to be held on _____ when their objections will be heard and given due consideration.

Dated this _____ day of _____, 20__.

Responsible Official

(b) After the adoption of a resolution by City Council, the notice shall be mailed by certified first class mail to the property owner(s) as shown by the most recently received real property tax assessment roll, and to any other Responsible Party, to the extent that his/her address is known.

(c) Proof of notice shall be provided to City Council at the hearing on protests as set forth in this section.

4. Public Hearing (Hearing): At the time stated in the notice set forth in subsection C3 of this Section, the City Council shall hear and consider all objections or protests, if any, to the proposed removal of the public nuisance conditions and may continue the hearing. Upon conclusion of the hearing, the City Council shall allow or overrule by resolution or motion any or all objections, whereupon the City Council shall acquire jurisdiction to proceed to perform the work of removal and the decision of the Council on the matter shall be final and subject to California Code of Civil Procedure Section 1094.6. If objections have not been made, or if the City Council has overruled those made, it shall order the Responsible Official or their designee to abate the public nuisance by having the public nuisance conditions removed. Such order shall be made by resolution or motion of City Council.

5. Decision. The decision of the City Council shall be final.

6. Contact with Responsible Party. The Responsible Official or their designee shall not undertake to abate any public nuisance by order of City Council pursuant to this Section until he/she has made a reasonable effort to personally contact any Responsible Party protesting the Council order to abate, in order to explain the purpose of the program, handle any special problem, and grant the Responsible Party additional time if warranted to provide his/her own abatement.

7. Right of Entry. The Responsible Official or their designee may enter upon private property to inspect or abate any public nuisance prohibited by this Chapter upon:

   (a) Receipt of consent from the owner or occupant of the affected premises;

   (b) Obtaining a warrant authorizing such an inspection and/or abatement. Such Responsible Official may enter the private property immediately, if the public nuisance presents a significant and immediate threat to the public health, safety, or welfare; or

   (c) As otherwise permitted by law.

8. Removal Before City Representative. Any Responsible Party may have the public nuisance conditions removed and abated at his/her own expense if it is done before the arrival of the City representative to remove such conditions pursuant to this Chapter.

9. Abatement Work; Costs and Records; Manner of Collection.

   (a) Abatement Work. The abatement work may be done by City work forces or by independent contractors.

   (b) Records and Costs. The Responsible Official or their designees who are responsible for carrying out the order of abatement by City Council shall keep an account of the cost of abatement of the public nuisance on each separate lot or parcel of land and shall render a written itemized report (Report) to City Council for confirmation showing the costs of removing the public nuisance conditions on each separate lot or parcel of land.

      1. Posting of Report Required. Before the report is submitted to the City Council, it shall be posted at least 3 days on the bulletin board at the City Hall with a notice of the time when the report will be submitted to the City Council for confirmation.

      2. Mailing of Notice of Submission. At least 7 days prior to the date of submission for confirmation, a postcard notice of the time and place of the submission of the report for confirmation, stating generally the nature of the report, shall be mailed to the owners of the parcels who have filed with the Council a written request for a postcard notice within one year prior to the date of mailing the notice.

      3. Hearing on Report. At the time fixed for receiving and considering the report, the City Council shall hear it with any objections of any of the property owners liable to be assessed for the work of abatement. The City Council may make such modifications in the

report as it deems necessary, after which, by motion or resolution, the report shall be confirmed.

4. Costs Lien on Property Affected. The amount of the costs for abating the public nuisance on the lot or parcel of land mentioned in the report, as confirmed, shall constitute special assessments against the respective parcels or lots, and shall be a lien on the property for the amount of the respective assessments. The decision by City Council to confirm the costs for abating the public nuisance shall be final and subject to California Code of Civil Procedure Section 1094.6.

(c). Manner of Collection. A certified copy of the report set forth in subsection 9b shall be filed with the County of Kings Assessor on or before August tenth. The description of the parcels reported shall be those used for the same parcels on the Kings County Assessor's map books for the current year. The amount of the assessments shall be collected at the same time and in the same manner as City taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary City taxes.

1. Application of Tax Statutes. All laws applicable to the levy, collection and enforcement of City taxes shall be applicable to such special assessment taxes.

2. Issuance of Separate Tax Bills, Receipts. The Kings County Tax Assessor, in his/her discretion, may issue separate bills for such special assessment taxes and separate receipts for collection on account of such assessments.

3. Cancellation or Refund Required, Grounds. All or any portion of any such special assessment, penalty or costs heretofore or hereafter entered shall, on order of the City Council, be canceled by the Kings County Assessor if uncollected, or, except as provided in subsection iii hereof, be refunded by the director of finance if collected, if it was entered, charged or paid:

   i. More than once;
   ii. Through clerical error;
   iii. Through the error or mistake of the City Council or of the Responsible Official in respect to any material fact, including the case where the cost report rendered and confirmed as hereinbefore provided shows that the City abated the nuisance but such was not the actual fact;
   iv. Illegally;

v. On property acquired after the lien date by the state or by any county, city, school district or other political subdivision, and because of this public ownership is not subject to sale for delinquent taxes.

4. Claim or Refund. The provisions of this section shall not apply to cancellations. No order for a refund under this section shall be made except on a claim:

   i. Verified by the person who paid the special assessment, his guardian, executor or administrator.
   ii. Filed with the City Clerk on or before March first after the tax became due and payable.

10. Demolition. Where the Responsible Official or their designee find that a real property contains a structure that violates this Chapter and presents a threat to the safety or health of the public, City Council by resolution may declare the structure a public nuisance and order the demolition of the structure where it finds the property violates this Chapter, presents an immediate threat to the safety or health of the public and finds that persons have continued to enter, occupy or inhabit such structures despite the application of the standards in Section 9.79.06 and 9.79.07. The demolition of a structure pursuant to this Section shall not occur until the abatement procedures are complied with as set forth in this Chapter.

11. Emergency Abatement. In the event the public nuisance constitutes a significant and immediate threat to the public health, safety, or welfare, the Responsible Official or their designee, may enter the property upon which the public nuisance exists, abate the public nuisance, and restore any property affected by the public nuisance. To the extent reasonably practicable, informal notice shall be provided to the owner or occupant before abatement. If necessary to protect the public health, safety, or welfare, abatement may proceed without prior notice to or consent from the owner/occupant thereof and without judicial warrant.

    (a) Imminent danger shall include, but is not limited to, circumstances that present a significant and immediate threat to the public health, safety, or welfare.

    (b) Notwithstanding the authority of the City to conduct an emergency abatement action, an administrative hearing before the City Council shall follow the abatement action. The hearing on the emergency abatement action shall be held within 5 business days following the action of abatement, unless the hearing (or the time required for the hearing) is waived in writing by the parties subject to the abatement action. A request for a hearing shall not be required of the person whose

property is the subject of the abatement action. The City Council at the hearing will determine the reasons for the abatement.

D. Abatement Procedures for Abandoned, Wrecked, Dismantled, or Inoperative Vehicles

1. Notice Required. A 10-day notice of intention to abate and remove the vehicle, or part thereof, as a public nuisance shall be mailed by registered mail to the owner of the property on which the vehicle is located and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PART THEREOF AS A PUBLIC NUISANCE.

(Name and address of owner of the property on which the vehicle is located)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Title 9, (Avenal Municipal Code) has determined that there exists upon said land an (or part of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance. You are hereby notified to abate said public nuisance by the removal of said vehicle (or said part of a vehicle) within 10-days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City of Avenal, and the costs thereof, together with administrative costs, assessed to you as Responsible Party on which said vehicle (or said part of a vehicle) is located.

As Responsible Party on which said vehicle (or said part of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the City Council within the 10-day period, the City of Avenal shall have the authority to abate and remove said vehicle (or said part of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said part of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed _____

(Date) CITY OF Avenal By _____\Responsible Official

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PART THEREOF AS A PUBLIC NUISANCE,

(Name and address of last registered and legal owner(s) of record of vehicle-notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle-make, model, license, etc.) you are hereby notified that the undersigned, pursuant to Title 9, Avenal Municipal Code, has determined that said vehicle (or part of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of said Municipal Code.

You are hereby notified to abate said public nuisance by the removal of said vehicle (or said part of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said part of a vehicle), you are hereby notified that you may, within ten 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the City Council within such 10-day period, the City Council shall have the authority to abate and remove said vehicle (or said part of a vehicle) without a hearing,

Notice Mailed _____
(Date) CITY OF Avenal By ____\Responsible Official

2. Public Hearing upon Written Request. Upon request by the owner of the vehicle or the owner of the property on which the vehicle is located received by the City within 10 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the City Council on the question of abatement and removal of the vehicle, or part thereof, as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the costs of removal of the vehicle, or part thereof, against the property on which it is located.

3. Public Hearing upon Constructive Request, Notice of Hearing, Authority to Abate and Remove without Hearing. If the owner of the property on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his/her land within such 10-day period, said statement shall be construed as a request for a hearing which does not require his/her presence. Notice of the hearing shall be

mailed, by registered mail, at least 10 days before the hearing to the owner of the property on which the vehicle is located and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said 10 days after mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove the vehicle, or part thereof, as a public nuisance without holding a public hearing.

4. City Council to Hear Facts and Testimony. All hearings under this Chapter shall be held before the City Council, which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle, or part thereof, and the circumstances concerning its location on the said private property or public property. The City Council shall not be limited by the technical rules of evidence. The owner of the property on which the vehicle is located may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land with his/her reasons for such denial.

5. General Powers of City Council; Notice of Council's Decision.

   (a) The City Council may impose such conditions and take such other action, as it deems appropriate under the circumstances to carry out the purposes of this Chapter. It may delay the time for removal of the vehicle, or part thereof, if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the City Council may find that a vehicle, or part thereof, has been abandoned, wrecked, dismantled, or is an inoperative vehicle on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the Responsible Party. The order requiring removal shall include a description of the vehicle, or part thereof, and the correct identification number and license number of the vehicle, if available at the site.

   (b) If it is determined at the hearing that the vehicle, or part thereof, was placed on the land without the consent of the owner of the property on which the vehicle is located and that he/she has not subsequently acquiesced in its presence, the City Council shall not assess the costs of administration or removal of the vehicle, or part thereof, against the property upon which the vehicle, or part thereof, is located or otherwise attempt to collect such costs from such owner of the property on which the vehicle is located.

(c) If the owner of the property on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his/her land but does not appear, or if an interested party makes a written presentation to the City Council but does not appear, he/she shall be notified in writing of the decision.

6. Appeal. Any rehearing or judicial review of the City Council decision shall be according to the procedures set forth in Chapter 9.75.

7. Disposal. Seven days after adoption of the order declaring the vehicle, or part thereof, to be a public nuisance, or seven (7) days from the date of mailing of notice of the decision if such notice is required by this article, the vehicle, or part thereof, may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle that qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable.

8. Notice of Removal to Department of Motor Vehicles. Within 5 days after the removal of the vehicle, or part thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle, or part thereof, removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including, but not limited to the registration card, certificates of ownership, and license plates.

9. Costs of Removal Assessed. If the administrative costs and the cost of removal which are charged against the owner of the property on which the vehicle is located or any other known responsible party pursuant to this Chapter are not paid within 30 days of the date of the order, or the final disposition of an appeal there from, such costs shall be assessed against the parcel (and pursuant to Section 38773.5 of the Government Code), and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other City taxes.

10. Nonexclusive Remedy. This Chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles with the City of Avenal. It shall supplement and be in addition to the other regulatory Codes, Statutes, and Ordinances heretofore or hereafter enacted by the City of Avenal, the state, or any other legal entity or agency having jurisdiction.

9.79.10 ISSUANCE OF WARNING AND ENFORCEMENT OF RECREATIONAL VEHICLES AND TRAILERS

A. Upon discovery of an RV/trailer parked on a street, a member of the Police Department authorized by the Police Chief, and/or a member of the Code Enforcement Department likewise authorized, to enforce the City's parking

regulations may issue a written warning. The warning shall contain the RV/trailer information, as well as an informational flier explaining the City's on-street parking regulations and how to comply with such regulations.

B. An RV/trailer will be allowed to park at an original parking site and on a street within one thousand (1,000) feet thereof during the seventy-two (72) hour period following the issuance of a written warning described in subsection A of this section. This seventy-two (72) hour period is hereinafter called the "seventy-two (72) hour parking period." The seventy-two (72) hour parking period will continue to run regardless of whether the RV/trailer is moved during such period. Upon the expiration of the seventy-two (72) hour parking period, the RV/trailer may not, except as expressly allowed in subsection C, park at the original parking site or on a street within one thousand (1,000) feet thereof for a period of one hundred sixty-eight (168) hours [seven (7) days]. This one hundred sixty-eight (168) hour [seven (7) day] period is hereinafter called the "one hundred sixty-eight (168) hour prohibited parking period."

C. If, during the one hundred sixty-eight (168) hour prohibited parking period, an RV/trailer is found to be in violation, a member of the Police Department and/or Code Enforcement Department, authorized by the Police Chief to enforce the City's parking regulations may issue a citation and/or have the vehicle removed from the street and impounded. This determination shall be at the discretion of the individual enforcing the provisions of this chapter. The original parking site may be established by photograph, marking device or other measurement from an identifiable landmark as utilized by the citation issuer.

D. An RV/trailer receiving a warning pursuant to subsection A, may, however, return to or park at the original parking site or on a street within one thousand (1,000) feet thereof during the one-hundred sixty-eight (168) hour prohibited parking period if the following two (2) conditions are met:

1) The RV/trailer may only return for the purpose of loading or unloading during the hours of seven a.m. to seven p.m.; and

2) The owner or person having custody of the RV/trailer must notify the Avenal Police Department and/or Code Enforcement Department of the RV/trailer's return for the purpose of loading or unloading. The Avenal Police Department and/or Code Enforcement Department shall document the call in its CAD/RMS system. No owner or person having custody of the RV/trailer may request more than two (2) of the daytime exceptions during the one hundred sixty-eight (168) hour prohibited parking period.

If these two (2) conditions are not met, the RV/trailer may be cited and/or removed from the street/alley and impounded per subsection C.

E. Violation--Administrative Penalty: Any operator or owner of the RV/trailer who has violated any of the provisions of this chapter may be subject to an administrative citation and fine for such violations. Fines shall be established by resolution of the City Council.

F. Violation—Infraction: Any person who shall violate any of the provisions of this chapter shall be guilty of an infraction and shall be punishable as provided in subsection (b) of Section 36900 of the Government Code of the state. Fines shall be established by resolution of the City Council.

RESOLUTION NO. 2020-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AVENAL RECOMMENDING TO THE CITY COUNCIL THAT VARIOUS SECTIONS OF THE AVENAL ZONING ORDINANCE BE CHANGED TO ASSIST IN ABATING ILLEGALLY PARKED TRAILERS AND RECREATIONAL VEHICLES ON CITY STREETS:

WHEREAS, on September 8, 2005, the City Council of the City of Avenal approved Ordinance 2005-08 adopting the City of Avenal Zoning Ordinance; and

WHEREAS, in order to maintain consistency between the Zoning Ordinance, the past General Plan 2025 update, General Plan 2035 update and State regulations, the Avenal Zoning Ordinance was again amended on March 22, 2019 as Ordinance 2018-01; and

WHEREAS, Section 9.76.04 of the Avenal Zoning Ordinance allows the Planning Commission, following a public hearing on the issue, to recommend amendments and changes to Zoning Ordinance by a Resolution containing its recommendation and findings; and

WHEREAS, on February 4, 2019, this Commission heard testimony from the Avenal Code Enforcement department regarding the difficulty in enforcing the abatement of illegally parked trailers and recreational vehicles on city streets; and

WHEREAS, on May 4, 2020, this Commission held a duly noticed public hearing to receive testimony from any interested person; and

WHEREAS, the Avenal Planning Commission believes that these changes are vital to protect the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT RESOLVED, that after a thorough review and full consideration of all evidence and testimony the Avenal Planning Commission finds that:

1. Any Ordinance passed by the City Council amending the Avenal Zoning Ordinance as recommended herein is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3).

2. The notice of a public hearing regarding its consideration of this Resolution, and its intent to recommend amendment of the Avenal Zoning Ordinance, was properly given at least ten (10) days prior to the date of the public hearing in a manner consistent with Section 9.76.04(1) of the Avenal Zoning Ordinance.

BE IT FURTHER RESOLVED THAT:

1. After a thorough review and full consideration of all evidence and testimony related

to the potential benefits of the changes the Commission recommends that the Avenal Zoning Ordinance be amended as set forth in **Exhibit A** and incorporated herein by reference.

2. The Commission directs the Planning Director and/or his agent, in accordance with Section 9.76.05 of the Avenal Zoning Ordinance, to transmit to the Avenal City Council; (1) a copy of this resolution, (2) any reports and/or documentary evidence received and considered by the Planning Commission during the public hearing relating to this Resolution.

PASSED AND ADOPTED at a regular meeting of the Avenal Planning Commission held on May 4, 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jeanne Tillotson, CHAIR

ATTEST:

Fernando Santillan, SECRETARY

EXHIBIT A

PROPOSED CHANGES TO AVENAL ZONING ORDINANCE

(Proposed additions underlined; proposed deletions stricken)

9.79.01 DEFINITIONS

Original Parking Site: The on-street location at which an RV/trailer is observed to be parked by a member of the police department authorized by the police chief and/or a member of the code enforcement department as by statute or as directed by the police chief, to enforce the City's parking regulations.

Recreational Vehicle. Any travel trailer, camper, motor home, or trailer (as defined in State Vehicle Code Sections 242, 243, and 630, respectively), or any camper shell or boat.

Hereafter referred to as "RV," means a vehicle or trailer capable of human habitation or designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any structure inspected, approved and designated a recreational vehicle and bearing the insignia of the state of California or any other state or federal agency having the authority to approve recreational vehicles. RVs include, without limitation, any of the following: camp trailer, as defined by the California Vehicle Code Section 324; house car, as defined by California Vehicle Code Section 362; trailer coach, as defined by California Vehicle Code Section 635; mobile home, as defined by California Vehicle Code Section 396; bus, as defined by California Vehicle Code Section 233, whether altered or unaltered or for commercial or private use; boat, watercraft, and/or trailer for a boat or watercraft; trailers designed to carry persons, property or animals on its own structure and to be drawn by a motor vehicle; and recreational vehicle, as defined by the California Health and Safety Code Section 18010.

Trailer: A non-motorized vehicle designed to carry persons, property, animals, waste, materials, or any other items on its own structure and to be drawn by another motor vehicle which is not designed for recreational purposes.

EXHIBIT A

9.79.02 PROPERTY MAINTENANCE STANDARDS FOR DEVELOPED PROPERTIES

K. Parking Areas, Sidewalks, on-street parking of RVs and trailers

Parking areas, private alleys, driveways, sidewalks, and walkways shall be maintained free of potholes, cracks, breaks, lifting, and other deteriorated conditions. The parking and storage of Vehicles are subject to the provisions in Table 9-7. The parking of vehicles is prohibited in the front or side yards. It is the City's intent that public streets not be utilized for the storage or long-term parking of RVs and trailers.

9.79.10 ISSUANCE OF WARNING AND ENFORCEMENT OF RECREATIONAL VEHICLES AND TRAILERS

A. Upon discovery of an RV/trailer parked on a street or alley, a member of the Police Department authorized by the Police Chief, and/or a member of the Code Enforcement Department likewise authorized, to enforce the City's parking regulations may issue a written warning. The warning shall contain the RV/trailer information, as well as an informational flier explaining the City's on-street parking regulations and how to comply with such regulations.

B. An RV/trailer will be allowed to park at an original parking site and on a street within one thousand (1,000) feet thereof during the seventy-two (72) hour period following the issuance of a written warning described in subsection A of this section. This seventy-two (72) hour period is hereinafter called the "seventy-two (72) hour parking period." The seventy-two (72) hour parking period will continue to run regardless of whether the RV/trailer is moved during such period. Upon the expiration of the seventy-two (72) hour parking period, the RV/trailer may not, except as expressly allowed in subsection C, park at the original parking site or on a street within one thousand (1,000) feet thereof for a period of one hundred sixty-eight (168) hours [seven (7) days]. This one hundred sixty-eight (168) hour [seven (7) day] period is hereinafter called the "one hundred sixty-eight (168) hour prohibited parking period."

C. If, during the one hundred sixty-eight (168) hour prohibited parking period, an RV/trailer is found to be in violation, a member of the Police Department and/or Code Enforcement Department, authorized by the Police Chief to enforce the City's parking regulations may issue a citation and/or have the vehicle removed from the street and

impounded. This determination shall be at the discretion of the individual enforcing the provisions of this chapter. The original parking site may be established by photograph, marking device or other measurement from an identifiable landmark as utilized by the citation issuer.

D. An RV/trailer receiving a warning pursuant to subsection A, may, however, return to or park at the original parking site or on a street within one thousand (1,000) feet thereof during the one-hundred sixty-eight (168) hour prohibited parking period if the following two (2) conditions are met:

1) The RV/trailer may only return for the purpose of loading or unloading during the hours of seven a.m. to seven p.m.; and

2) The owner or person having custody of the RV/trailer must notify the Avenal Police Department and/or Code Enforcement Department of the RV/trailer's return for the purpose of loading or unloading. The Avenal Police Department and/or Code Enforcement Department shall document the call in its CAD/RMS system. No owner or person having custody of the RV/trailer may request more than two (2) of the daytime exceptions during the one hundred sixty-eight (168) hour prohibited parking period.

If these two (2) conditions are not met, the RV/trailer may be cited and/or removed from the street/alley and impounded per subsection C.

E. Violation--Administrative Penalty: Any operator or owner of the RV/trailer who has violated any of the provisions of this chapter may be subject to an administrative citation and fine for such violations. Fines shall be established by resolution of the City Council.

F. Violation—Infraction: Any person who shall violate any of the provisions of this chapter shall be guilty of an infraction and shall be punishable as provided in subsection (b) of Section 36900 of the Government Code of the state. Fines shall be established by resolution of the City Council.

PARKING ON FRONT AND SIDE YARDS

It's prohibited to park or store any automobile, trailer, house trailer, camper, van, truck, pickup truck, recreational vehicle, boat or any vehicle equipment (whether or not motorized) upon the front yard (lawn) or side yard setback. All operable vehicles located in the front of residences must be parked in legal garages, carports, or on the paved driveway or surface as set forth in section 9.79.06 - K of the Avenal Zoning Ordinance.

RESIDING IN VEHICLES OR RECREATIONAL VEHICLES

A mobilehome or recreational vehicle permitted as a temporary dwelling unit pursuant to Table 9-3 and in compliance with the provisions as set forth in Chapter 9.19 - *RESIDENTIAL DISTRICT SPECIFIC STANDARDS* of the Avenal Zoning Ordinance.

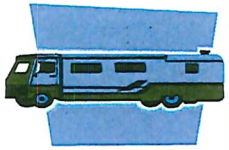
RESIDENTIAL VEHICLE REPAIR

The City of Avenal allows citizens to perform minor routine maintenance repairs to their vehicles within a residential district.

Minor repairs such as changing the oil or replacing of the air filter, spark plugs, brakes, tires, etc… is authorized in public view but not upon the public street.

Major vehicle repairs such as, but not limited to, replacing the engine/transmission, or major auto bodywork is only authorized if such work is being conducted inside a legal garage.

While conducting vehicles repairs, it is the property owner's responsibility to ensure that any and all fluids, oil, etc…. is not illicitly discharging into the sewage system.





Code Enforcement
City of Avenal

919 Skyline Blvd
Avenal, CA 93204
Phone: (559) 386-5176
Fax: (559) 386-0629

Code Compliance
City of Avenal



Parking Laws in Avenal

City of Avenal CALIFORNIA

Parking Laws in
City of Avenal

PARKING OF RECREATIONAL VEHICLES AND TRAILERS

An RV/trailer will be allowed to park at an original parking site and on a street within one thousand (1,000) feet thereof during a seventy-two (72) hour period following the issuance of a written warning. The seventy-two (72) hour parking period will continue to run regardless of whether the RV/trailer is moved during such period. Upon the expiration of the seventy-two (72) hour parking period, the RV/trailer may not, except as expressly allowed by members of the Police or Code Enforcement Department, be park at the original parking site or on a street within one thousand (1,000) feet t hereof for a period of one hundred sixty-eight (168) hours [seven (7) days].





If, during the one hundred sixty-eight (168) hour prohibited parking period, an RV/trailer is found to be in violation, a member of the Police or Code Enforcement Department, authorized by the Police Chief to enforce the City's parking regulations may issue a citation and/or have the vehicle removed from the street and impounded. This determination shall be at the discretion of the individual enforcing. The original parking site may be established by photograph, marking device or other measurement from an identifiable landmark as utilized by the citation issuer.

For more information, please refer to Chapter 9.79 of the Avenal Zoning Ordinance.

RESIDENTIAL PARKING

For residents conducting a permitted home occupation in a residential area, only one vehicle, no larger than a three quarter ton truck, may be used by the occupant directly or indirectly in conjunction with the home occupation.

RECREATIONAL VEHICLES AND TRAILERS

In any residential district, no recreation vehicle, including without limitation, camping trailer, boat trailer, utility trailer, boat pickup, camper, motor home, dune buggy, or similar vehicle/trailer shall be stored or parked within an enclosed side or rear yard or within a garage or carport except if a side or rear yard is not accessible due to existing legal permanent structures. A recreational vehicle or trailer may be parked in a driveway if it does not create a nuisance or safety problem. In no case, may a vehicle or trailer of any type be parked in the public street way longer than seventy-two (72) hours. Vehicles or trailers may not be parked in or blocking the city right-of-way at any time.



CERTAIN PARKING PROHIBITED

It is prohibited in the City of Avenal to park a vehicle upon any roadway for the principal purpose of:

A) Displaying a vehicle for sale;

B) Washing, greasing or repairing such vehicle.

ALL NIGHT PARKING OF CERTAIN VEHICLES (Commercial)

It's prohibited to stop, park or leave standing any commercial vehicle of any kind any time on any residential district for a period of time longer than sixty (60) minutes between the hours of seven a.m. and seven p.m. of any day in the City of Avenal.

It's prohibited to park or leave standing any commercial vehicle having a manufacturer's gross vehicle weight rating of 5,000 tons or more at any time in a residential district other than for the purposes of loading and unloading.



INOPERATIVE VEHICLES

In any residential district, all motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage or carport. Vehicles may have a custom fitted car cover and may be stored in an open area, provided it does not create a nuisance or safety problem.

INOPERATIVE DEFINED

A Vehicle is "inoperative" if it is:

- Mechanically incapable of being driven; or

-Prohibited from being operated on a public street or highway pursuant to the provisions of Vehicle Code Sections 4000, 5202, 24002, or 40001.



City of Avenal

"Pistachio Capital of the World®"

AVENAL POLICE DEPARTMENT
CITY OF AVENAL CODE ENFORCEMENT

MAILING ADDRESS: CITY OF AVENAL
919 SKYLINE BLVD
AVENAL, CA 93204
(559) 386-5766 · FAX (559) 386-0629

WARNING

IT APPEARS THAT

THIS VEHICLE IS PARKED IN VIOLATION OF THE LAW

VEHICLE MUST BE REMOVED BY:_____

CHAPTER 9, SECTION 79.10 OF THE AVENAL ZONING ORDINANCE STATES THAT IN NO CASE, MAY A VEHICLE OR TRAILER OF ANY TYPE BE PARKED IN THE PUBLIC STREET WAY LONGER THAN SEVENTY-TWO (72) HOURS. VEHICLES OR TRAILERS MAY NOT BE PARKED IN OR BLOCKING THE CITY RIGHT-OF-WAY AT ANY TIME.

YR./MAKE_____ LIC.#_____

DATE:_____ VIN.#_____

LOCATION:_____ BY:_____

AVENAL POLICE DEPARTMENT (559) 386-5114
CITY OF AVENAL CODE ENFORCEMENT (559) 386-5766