

Title 8

HEALTH AND SAFETY

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Chapter 8.04

WEED CONTROL\*

Sections:

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\* For statutory provisions on weed and rubbish abatement, see Gov. Code §39501 et seq.

Prior ordinance history: Ordinance 25.

8.04.010 Weeds.

It shall be the duty of every owner, manager, or person in charge of or control of any residential unit, multiple dwelling unit, hotel, motel, business, or vacant lot in the city to maintain his premises free of excessive accumulations of any weeds which may endanger or injure neighboring property or by the nature of such growths may create fire, health or safety hazards for property or per-

sons. Such excessive accumulations of weeds are declared a public nuisance and may be abated as provided in this chapter. (Ord. 198 (part), 1984).

8.04.020 Definitions.

A. Weeds shall mean any vegetative growths upon streets, sidewalks, or private property in the city and includes but is not limited to the following:

1. Weeds which bear seeds of a downy or wingy nature;

2. Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property;

3. Weeds which are otherwise noxious or dangerous;

4. Poison oak and poison ivy when conditions of growth are such as to constitute a menace to the public health;

5. Dry grass, stubble, brush, litter, dead trees or other flammable material which endangers the public safety by creating a fire hazard.

B. "Premises" includes the abutting sidewalks, alleyways and untraveled portion of an abutting public street or of property. (Ord. 198 (part), 1984).

8.04.030 Enforcement by the public works department and the county fire department.

The county fire department and the public works department shall have the duty and the power to enforce the provisions of this chapter. When enforcing the provisions of this chapter, the employees of the county fire department and the public works director shall have the power to make arrests for violation of the provisions of this chapter which occur in their presence and to issue citations for such violations in accordance with Chapter 5c of Title 3 of Part 2 of the Penal Code of the state of California. (Ord. 198 (part), 1984).

8.04.040 Order to abate.

An enforcing department may give an order to abate such a nuisance as described in Section 8.04.010 to the owner, manager or other person controlling the premises. Such order to abate shall be in the form approved by the city attorney. The owner, manager or other person controlling the premises has seven (7) days from the date of the

order to abate to remove, destroy or abate the nuisance. If the nuisance is not removed, destroyed or abated within seven (7) days after the order has been given, the enforcing department may have the nuisance removed, destroyed or abated and the cost of such removal, destruction or abatement shall be charged to the owner, manager and/or other person controlling the premises. The order of abatement may be given by any or all of the following methods:

A. By mail to the owner of the premises as shown on the last tax roll of the county, the manager or other person controlling the property;

B. By personal service to such owner, manager and/or person controlling the premises;

C. By posting the notice on the premises. (Ord. 198 (part), 1984).

#### 8.04.050 Appeal.

Any interested party may appeal an order to abate by filing a written notice of appeal, stating the grounds on which such party is appealing, with the enforcing department issuing such order before the date set forth abatement of the nuisance. The filing of such notice of appeal shall stay the effectiveness of the order of abatement until the appeal has been decided by the council. Notice of appeal is not filed until it is delivered to the enforcing department that issued the order at its headquarters. The person appealing has the burden to show that the condition of the premises does not constitute a nuisance or that he is not responsible for the condition of the premises pursuant to Section 8.04.010. The city council shall hear the appeal and may affirm, amend or repeal the order of abatement. The person appealing shall have seven (7) days from the date of the service of the order of the city council affirming or amending the order of abatement in which to proceed to abate the nuisance. Service of such an order of the city council shall be made on appellant by personal service or by mail to the appellant's last known mailing address. Service shall be deemed complete on the day after deposit in the United States Mail. The city council may delegate the power and duty to hear appeals pursuant to this section to any officer, department or board, except an enforcing department or the collecting department. (Ord. 198 (part), 1984).

8.04.060 Protest of cost bill.

Any interested party may protest the cost bill for abatement presented by the city. The burden of proof is on the protestor to show any defect in the bill. Any interested party may make this protest by filing a notice of protest with the city clerk within thirty (30) days after the billing date. Filing is not complete until the notice of protest is received at the city clerk's office. The city council shall hear the protest and may affirm, amend or cancel the bill. The city council may delegate the power and duty to hear protests to cost bills pursuant to this section to any officer, board or commission, except an enforcing department or the collecting department. (Ord. 198 (part), 1984).

8.04.070 Private contractors.

The city acting through the city council may contract with private persons to abate those items declared nuisance pursuant to this chapter. (Ord. 198 (part), 1984).

8.04.080 Collection.

If the responsible party does not pay the cost of abatement within forty-five (45) days after being billed or within fifteen (15) days after an order of the city council affirming or amending the cost bill pursuant to Section 8.04.060, the city clerk may, in addition to other remedies it may have, institute an action in small claims court in the name of the city against the person billed or may request the auditor-controller of the county of Kern to place the amount billed on the tax roll as a special assessment against the premises. In addition, the city council may assign said claims to a collection agency. Amounts owed to the city for abatement shall bear interest at seven percent (7%) per year from the date of the abatement. (Ord. 287, 1996; Ord. 198 (part), 1984).

8.04.090 Interference with abater unlawful.

It shall be unlawful for any person to interfere with an officer or employee of the city or a private contractor removing, destroying or otherwise abating any nuisance under the provisions of this chapter. (Ord. 198 (part), 1984).

## Chapter 8.08

### GARBAGE AND SOLID WASTE\*

#### Sections:

- 8.08.010 Definitions.
- 8.08.020 Collection--Authorized persons.
- 8.08.030 City agent--Selection and contract.
- 8.08.040 Containers--Requirements.
- 8.08.050 Containers--Unauthorized opening or collection prohibited.
- 8.08.060 Receptacles/containers--Placement regulations.
- 8.08.070 Burial prohibited.
- 8.08.080 Feeding to poultry or animals permitted when.
- 8.08.090 Accumulation of refuse.
- 8.08.100 Collection refusal--Authorized--Procedure.
- 8.08.110 City manager--Powers and duties to supervise refuse disposal.
- 8.08.120 Notice of violation--Contents.
- 8.08.130 Rates or charges--Filing required.
- 8.08.140 Persons liable.
- 8.08.150 Solid waste diversion element.
- 8.08.160 Regulation of recycling stations.
- 8.08.170 Regulation of commercial disposition of green wastes.
- 8.08.180 Regulation of disposition of construction waste.
- 8.08.190 Regulation of commercial disposition of household hazardous wastes.

#### 8.08.010 Definitions.

Whenever in this chapter the words or phrases defined in this section are used, they shall have the respective meaning assigned to them in this section. The enumeration of substances in this section shall not be deemed exclusive, the classification of substances not named to be determined by their character.

A. "City agent" means any person or corporation, or the employees or agents thereof, with whom the city may contract for the collection and/or disposal of garbage, rubbish and other refuse.

B. "Construction rubbish" includes brick, mortar, concrete, asphalt, asphalt/concrete paving materials or other debris incident to the construction or demolition of buildings and/or streets, parking lots or roadways.

C. "Dry recyclables" means paper products, aluminum cans, tin cans, glass bottles, plastic containers, and other items which, from time to time, the council shall add to the list of dry recyclables by resolution of the council.

D. "Garbage" means and includes all refuse accumulations with the exception of anything which meets the definition of dry recyclable, green waste, household hazardous waste or construction rubbish set forth in this section.

E. "Green waste" means cut shrubbery, tree and shrubbery trimmings, dead flowers, grass cuttings and other similar organic material which may be effectively composted.

F. "Hazardous waste" means anything which has been determined to be a hazardous substance such that it cannot be disposed of in the county's landfill and is required by either county ordinance, state law or federal law to be transported to a specialized disposal facility set aside for hazardous waste. Hazardous wastes include but are not limited to household hazardous wastes.

G. "Household hazardous wastes" means any waste produced by a household that contains an ingredient listed in or that exhibits characteristics of ignitability, corrosibility, reactivity (e.g., an oxidizer), toxicity, or infectiousness. Empty containers retaining residues of household hazardous wastes include, but are not limited to, each of the following: automobile polish, furniture polish, fertilizers, automotive products, adhesives and sealants, paints and coatings, photographic chemicals, swimming pool chemicals, used oils.

H. "Recycling station" means any property and/or facility that the city shall designate at any time to be used for the recycling of any or all dry recyclables.

I. "Refuse" means all solid waste, including all construction rubbish, dry recyclables, garbage, green waste, and hazardous wastes. (Ord. 261 §1, 1993).

8.08.020 Collection--Authorized persons.

A. The city, in order to more effectually promote and protect the public health and safety and to reduce the danger of hazards of fire and disease, reserves unto itself or its designated city agent the exclusive right to collect, transport and dispose of, or cause to be collected, transported and disposed of, all refuse produced or found within the corporate limits of the city.

B. It is unlawful for any person to collect, transport or dispose of any refuse within the city except the following persons:

1. Any employee of the city or "city contract agent" who acts within the scope of their employment or franchise agreement;

2. The builder of any structure, or the agent thereof, when acting to remove refuse resulting from construction work;

3. A person engaged in the business of gardening or landscaping, when removing or disposing of garden trimmings incident to such business;

4. Any persons licensed by the city to remove and dispose of specific refuse;

5. Any person who accumulates rubbish in excess of the capacity of his rubbish containers as prescribed by Section 8.08.040. (Ord. 308 (part), 1997; Ord. 66 §2, 1969).

8.08.030 City agent--Selection and contract.

The city council may select and enter into a contract with a qualified person engaged in the business of collecting, transporting and disposing of refuse, and that organization selected shall be known as the "city contract agent" pursuant to this chapter. Selection shall be based upon the needs of, and benefits to, the city at the time a contract is negotiated by the city manager and/or his or her designee. Consideration shall be given to the reputation, service delivery history and economic stability of the proposed city contract agent.

As of July 21, 1997, the city contract agent shall be Mountainside Disposal, Inc., 8665 South Union Ave., Bakersfield, California, 93307. The contract shall be for ten (10) years commencing on the 1st day of July, 1997 and ending on the 30th day of June, 2007, and the contractor shall have two (2) five (5) year options to extend the

contract, through June 30, 2017. (Ord. 308 (part), 1997: Ord. 66 §3, 1969).

8.08.040 Containers--Requirements.

A. Every person in possession, charge or control of any place in the city which accumulates refuse shall at all times utilize containers adequate to contain the amount of refuse ordinarily accumulating at such place during intervals between collection. The city contract agent shall provide each single-family residence with one (1) tan cart for refuse, one (1) green cart for green waste and food waste, one (1) blue cart for recyclables. The city contract agency shall provide each commercial facility and multifamily residence with an equivalent number of containers for recyclables as are provided for refuse.

B. All containers shall be kept in clean and sanitary condition by the owner or the person using them and containers containing garbage shall be kept tightly covered at all times, except when garbage is being deposited or removed, and shall at all times be sealed sufficiently to prevent access to flies and shall be free from leaks. All containers shall be free from jagged edges and in sufficient repair to hold all refuse placed therein. (Ord. 363 §1, 2005: Ord. 308 (part), 1997; Ord. 66 §4(part), 1969).

8.08.050 Containers--Unauthorized opening and collection prohibited.

It shall be a violation of this chapter for any person not authorized to do so to open such containers or to remove, collect or to scatter the refuse stored therein. (Ord. 66 §4(part), 1969).

8.08.060 Receptacles/containers--Placement regulations.

For the purposes of collection, every user/client shall place the contractor provided refuse containers in accordance with the instructions of the city contract agent. Due to the need to provide automated or semi-automated service throughout various locations within the city, the placement may vary from address to address.

A. In no case shall receptacles or containers be collected when located on private property, except as follows:

1. If a resident of the household is either a senior citizen or is totally disabled, then he or she may apply at City Hall for walk-up service. The council may adopt, by resolution, guidelines to be used by the office of the city manager, or the city manager's designee, in making such determinations. For the purposes of this section, the following definitions shall apply:

a. "Totally disabled" means anyone who has applied at City Hall for a discount, has provided adequate documentation, and has been determined by the city manager or the city manager's designee as meeting one (1) or more of the following criteria:

i. Has been found to be handicapped by the California Department of Motor Vehicles; or

ii. Has been found to be totally and permanently disabled by the Social Security Administration under any of their programs, including but not limited to, the Social Security Disability Insurance Program under Title II of the Social Security Act and, including but not limited to, the Supplemental Security Income Program under Title XVI of the Social Security Act; or

iii. Has been found to have at least a fifty percent (50%) disability under the Workers' Compensation Insurance Act; or

iv. Has been determined to be disabled by any branch of the military or the Veterans' Administration; or

v. The city manager or the city manager's designee has determined that the individual is disabled based on the statement of a licensed physician.

b. "Senior citizen" means anyone who has applied at City Hall for a discount and has been determined by the city manager or the city manager's designee as having reached sixty (60) years of age or older. The applicant shall have the responsibility of adequately documenting that he or she meets the terms of this definition. Proof of citizenship shall not be required.

2. A resident whose application for walk-up service has been granted shall be assessed a fee for such walk-up service, in an amount to be determined by the city council by resolution. (Ord. 308 (part), 1997; Ord. 259 §1, 1992).

8.08.070 Burial prohibited.

It is unlawful for any person to dump, deposit, place or bury garbage in any hole or excavation within the city. (Ord. 66 §6, 1969).

8.08.080 Feeding to poultry or animals permitted when.

This chapter shall not be construed to prevent the feeding of garbage to poultry or animals in proper amounts for immediate consumption by such poultry or animals, and in such manner that the garbage so fed shall not accumulate, when such feeding is not otherwise in violation of any other city ordinance, or other county or state regulation or law. (Ord. 66 §7, 1969).

8.08.090 Accumulation of refuse.

A. It is a violation of this chapter for any person owning, managing or having control of any place where refuse is produced, kept or otherwise exits, either:

1. To permit the accumulation of refuse, to the point that the accumulation becomes or remains:

a. Offensive, unsightly or unsafe to the public health, or

b. Hazardous due to the danger of either fire or disease; or

2. To permit or cause any refuse to be deposited, kept or accumulated upon any lot or parcel of land or any public or private place, street, lane, alley or driveway, except as provided in this chapter.

B. Every person owning or occupying a residence or a commercial establishment shall subscribe to solid waste collection service from the city or contract agent. No customer shall permit or consent to another person depositing solid waste in his or her container or setting out solid waste for collection at his or her place or premises; except that this provision shall not apply where the city manager or the city manager's designee has established a temporary service location because the city manager has knowledge of construction, demolition or other temporary obstacles which prevent the use of or access to permanent service locations.

C. All rubbish, garbage or refuse is to be placed in a container as is provided in this chapter.

1. No person shall deposit solid waste in the container of another person, or set out solid waste for col-

lection at another person's service location, except as may be established by the city manager or the city manager's designee where the city manager has knowledge of construction, demolition or other temporary obstacles which prevent the use of or access to permanent service locations.

2. No person shall burn solid waste in a home heating furnace, fireplace or wood stove, excepting that non-plasticized waste paper may be used for kindling of fires in wood-burning appliances.

D. Standard residential service shall be limited to one (1) contractor container per week for residential household waste, and one (1) contractor provided container per week for green waste, unless the user/client has made separate arrangements with the contractor. (Ord. 308 (part), 1997; Ord. 259 §2, 1992).

#### 8.08.100 Collection refusal--Authorized--Procedure.

Any refuse not prepared in accordance with Section 8.08.090 need not be handled by the collector and if allowed to lie about and accumulate for any period of time beyond the regular time for collection thereof shall be deemed to create a violation of this chapter. Whenever any refuse is not collected because of a violation of this chapter, the collector shall attach to the container a tag upon which he shall indicate the reason for his refusal to collect the refuse, with reference to the provisions of this chapter which form the basis for his refusal. (Ord. 66 §8, 1969).

#### 8.08.110 City manager--Powers and duties to supervise refuse disposal.

A. The direct authority and responsibility for the effective refuse and disposal shall be vested in the city manager, or the city manager's designee. Unless the city manager directs otherwise, it shall be presumed that the city manager's designee for this purpose is the city contract agent. The city manager's designee for this purpose shall answer directly to the city manager.

B. It is the duty of the city manager, or the city manager's designee, to enforce the provisions of this chapter, and the city manager or the city manager's designee shall have the right to inspect any and all public premises for the purposes of determining whether the pro-

visions of this chapter are being observed, and any person denying or obstructing such inspection or in any way interfering with the performance of such duties shall be in violation of this chapter.

C. The city manager or the city manager's designee shall have the power to establish rules and regulations not inconsistent with the provisions of this chapter, governing the collection and disposal of refuse, rubbish, garbage, solid waste, or recyclables provided that such rules and regulations shall have as their purpose the enforcement of the provisions of this chapter and the health and sanitary laws and regulations in effect in the city. Such rules and regulations may include but are not necessarily limited to the frequency of refuse collections at various locations, the type and number of refuse containers required, and the vehicles used in making such collections. His or her determination on such matters shall be subject to review and final determination by the city council. (Ord. 363 §2, 2005: Ord. 308 (part), 1997; Ord. 259 §3, 1992).

#### 8.08.120 Notice of violation--Contents.

Upon discovery of any violation of this chapter, the city manager or the city manager's designee shall, by mail, give written notice to the occupant or, if none is available, then to the owner of record of the premises, informing him of the nature of the violation, the corrective measures deemed necessary, and the time allowed to correct such violation. Any such procedure shall allow the addressee of the notice the opportunity to appeal such a decision to the city manager (if the notice was issued by the city manager's designee) and, if the addressee is still dissatisfied, to the city council for hearing. (Ord. 259 §4, 1992).

#### 8.08.130 Rates or charges--Filing required.

Subject to the requirements of the California Constitution and other state laws, the city council is authorized to establish the rates or charges that may be charged for the collection of refuse and recyclables within the city pursuant to this chapter. The current schedule of rates so fixed by the city council shall be at all times on file in the office of the city clerk. (Ord. 363 §3, 2005: Ord. 66 §10, 1969).

8.08.140      Persons liable.

A.    The owner of the real property upon which each residential unit is located shall be liable for payment of all charges upon the agents utility bill rendered for such premises, including the charges for garbage, refuse collection and disposal fees set forth in this chapter. Such charges shall be a lien against all real property served until paid.

B.    The proprietor, partner, corporation or other business entity of each business, industrial or mercantile establishment shall be liable for payment of all refuse collection charges billed to such establishment. (Ord. 308 (part), 1997; Ord. 149, 1979).

8.08.150      Solid waste diversion element.

The city is no longer obligated to collect the following waste items. However, the city retains the right to require the property owner or other person in possession of the property to dispose of such waste items and determines that such items shall still constitute refuse for the purpose of the enforcement provisions of this chapter, including but not limited to Section 8.08.090:

A.    Construction and/or demolition waste, including building materials, packaging and rubble resulting from construction, remodeling, repair or demolition on pavements, houses, commercial buildings, industrial facilities or other structures;

B.    Agricultural wastes, including manures, orchard and vineyard prunings and crop residues;

C.    Biohazardous wastes, including special "diverted" wastes generated by hospitals, health-care facilities, research organizations and blood banks;

D.    Hazardous household wastes, unless separated, which, because of their quality, concentration or physical, chemical, or infectious characteristics, may pose a hazard to health or environment if improperly treated, disposed of or otherwise managed;

E.    Mixed paper, unless separated, which is a mixture of at least two (2) of the following: newspapers, corrugated cardboard, office paper, computer paper, white paper, coated paper stock or other paper wastes;

F.    Tires or rubberized asphalt products.  
(Ord. 259 §5, 1992).

8.08.160 Regulation of recycling stations.

It is unlawful for any person to engage in the business of owning, operating or maintaining a recycling station within the city unless such person has written authorization from the city contract agent. (Ord. 308 (part), 1997: Ord. 260 §1, 1993).

8.08.170 Regulation of commercial disposition of green wastes.

It is unlawful for any person to engage in the business of owning, operating or maintaining any commercial facility which has as a purpose engaging in any business which collects green waste within the city, unless such person has written authorization from the city contract agent. (Ord. 308 (part), 1997: Ord. 260 §2, 1993).

8.08.180 Regulation of disposition of construction waste.

All construction and demolition wastes within the city will be disposed of at a facility designed to process these types of waste, as long as such facility exists within twenty-five (25) miles of the city limits. The gate fee at these facilities will not exceed gate fees in effect at county landfills at time of disposition. These types of waste will no longer be taken to county-owned/operated landfills.

City building department will issue permits for all construction and demolition projects and will require proof of completion of disposition of these types of wastes. The ordinance codified in this section shall become effective as provided by law. (Ord. 322, 2002: Ord. 308 (part), 1997: Ord. 260 §3, 1993).

8.08.190 Regulation of commercial disposition of household hazardous wastes.

It is unlawful for any person to engage in the business of owning, operating or maintaining any commercial facility which has as a purpose engaging in any business which collects household hazardous wastes within the city unless such person has written authorization from the city contract agent. (Ord. 308 (part), 1997: Ord. 260 §4, 1993).

## Chapter 8.10

### MANDATORY RECYCLING\*

#### Sections:

- 8.10.010 Purpose.
- 8.10.020 Definitions.
- 8.10.030 General requirements for recyclable materials.
- 8.10.040 Design standards.
- 8.10.050 Location of recycling areas.
- 8.10.060 General requirements for covered projects.
- 8.10.070 City-sponsored projects.
- 8.10.080 Compliance as condition of final approval.
- 8.10.090 Submission of recycling plan.
- 8.10.100 Review of recycling plan.
- 8.10.110 Exemptions.
- 8.10.120 Compliance with recycling plan.
- 8.10.130 Enforcement.

\* Prior ordinance history: Ord. 263.

#### 8.10.010 Purpose.

A. Cities and counties must divert fifty percent (50%) of all solid waste by January 1, 2000, through source reduction, recycling and composting activities.

B. Diverting fifty percent (50%) of all solid waste requires the participation of the residential, commercial, industrial, and public sectors.

C. The lack of adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses is a significant impediment to diverting solid waste and constitutes an urgent need for state and local agencies to address access to solid waste for source reduction, recycling, and composting activities. This chapter has been developed to meet that need. (Ord. 360 §1(part), 2005).

#### 8.10.020 Definitions.

The following definitions shall apply to the language contained in this chapter:

A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake any construction, demolition, or renovation project within the city, unless otherwise specifically exempted by law.

B. "Compliance official" means the city manager or his/her designee.

C. "Construction" means the building of any structure or any portion thereof including any tenant improvements to an existing facility or structure.

D. "Construction and demolition debris" means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, or demolition operations on any pavement, house, commercial building or other structure.

E. "Conversion rate" means the rate set forth in the standardized Conversion Rate Table approved by the city pursuant to this chapter for use in estimating the volume or weight of materials identified in a recycling plan.

F. "Covered project" means all construction and renovation projects within the city, the costs of which are or are projected to be, greater than or equal to five thousand dollars (\$5,000.00). The cost of the project shall be the valuation attributed to the permit issued by the building department. In addition, all demolition projects having a total square footage of more than one thousand (1,000) shall be a covered project.

G. "Deconstruction" means the systematic removal of usage items from a structure.

H. "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

I. "Development project" means any of the following:

1. A project for which a building permit is required for a commercial, industrial, or institutional building, marina, or residential building having five (5) or more living units, where solid waste is collected and

loaded and any residential project where solid waste is collected and loaded in a location serving five (5) or more living units;

2. Any new public facility where solid waste is collected and loaded and any improvements for areas of public facility used for collecting and loading solid waste;

3. Any new subdivision for which a tract map or parcel map is required;

J. "Divert" means to use material for any purpose other than disposal in a landfill.

K. "Diversion requirement" means the diversion of at least fifty percent (50%) by weight of the total construction and demolition debris generated by a project by reuse or recycling, unless the applicant has been granted an exemption by the compliance official or his/her designee, in which case the diversion requirement shall be the maximum feasible diversion rate established by the recycling plan compliance official for the project. Diversion includes reuse in wood construction, reuse of inert materials such as concrete, dirt, asphalt, and recycling and source reduction of any construction-related materials.

L. "Noncovered project" means any project that does not meet the minimum requirements of a "covered project."

M. "Project" means any activity which requires an application for a building or demolition permit or any similar permit from the city.

N. "Recycling area (areas for recycling)" means space allocated for collecting and loading of recyclable materials.

O. "Renovation" means any change, addition, or modification in an existing structure.

P. "Reuse" means further or repeated use of construction or demolition debris.

Q. "Salvage" means the controlled removal of construction or demolition debris from a permitted building or demolition site for the purpose of recycling, reuse or storage for later recycling or reuse.

R. "Recycling plan" means a completed recycling plan form, approved by the city for the purpose of compliance with this chapter, submitted by the applicant for any covered project. (Ord. 360 §1(part), 2005).

8.10.030 General requirements for recyclable materials.

A. Any new development project for which an application for a building permit is submitted on or after September 1, 1993, shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.

B. Any improvements for areas of public facility used for collecting and loading solid waste shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.

C. Any project for which an application for a building permit is submitted on or after September 1, 1993 for modifications that meet one (1) or both of the conditions below shall include adequate, accessible and convenient areas for collecting and loading recyclable materials:

1. Modification to the project adds thirty percent (30%) or more to the existing floor area; or

2. The price of modification exceeds ten percent (10%) of the then current assessed value of the subject parcel. (Ord. 360 §1(part), 2005).

8.10.040 Design standards.

A. Areas for recycling shall be adequate in capacity, number, and distribution to serve the development where the project occurs.

B. Dimensions of the recycling area shall accommodate containers consistent with current methods of collection in the area in which the project is to be located.

C. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development should be located within the recycling areas of development projects.

D. Recycling areas shall be screened from public view and secured to prevent theft of recyclable materials by unauthorized persons, or from unauthorized dumping of rubbish, while allowing authorized persons access for disposal materials.

E. Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions which might render the collected materials unmarketable.

F. Driveways or travel aisles shall provide unobstructed access for collection vehicles and personnel and

provide at least the minimum clearance required by the collection methods and vehicles utilized by the hauler in the area in which the development project exists.

G. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of access to the recycling areas.

H. Residential developers and property owners are encouraged to include recycling areas or systems within the residence; such as rollout drawers below the sink for recycling receptacles; fireproof, cleanable, secure chutes from the living space to the space for collecting and loading recyclable materials, etc. Recommended internal storage space for individual living units of residential development projects is three (3) cubic feet. (Ord. 360 §1(part), 2005).

#### 8.10.050 Location of recycling areas.

A. Recycling areas shall not be located in any area required by the municipal code to be constructed or maintained as unencumbered, according to fire and other applicable building and/or public safety laws.

B. Any recycling area(s) shall be located so they are at least as convenient as the location(s) where solid waste collecting and loading recyclable materials and should be adjacent to the trash collection areas.

C. Each recycling area within a multifamily residential development shall be no greater than two hundred fifty (250) feet from each living unit.

D. In subdivisions, recycling areas shall be located at a location approved by the planning director. Such areas shall normally be located at the end of each block. (Ord. 360 §1(part), 2005).

#### 8.10.060 General requirements for covered projects.

Prior to submission for a building, demolition or other required permit from city, the applicant shall submit a recycling plan to the compliance official. The compliance official shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement. City shall issue a permit tracking number upon approval of the recycling plan. (Ord. 360 §1(part), 2005).

8.10.070 City-sponsored projects.

All city-sponsored construction and renovation projects within the city, the costs of which are, or are projected to be, greater than or equal to five thousand dollars (\$5,000.00) shall comply with this chapter. The costs of the project shall be the valuation attributed to the permit issued by the building department. In addition, all demolition projects having a total square footage of more than one thousand (1,000) shall be a covered project. These city-sponsored covered projects shall submit a recycling plan to the compliance official prior to beginning any construction or demolition activities and shall be subject to all applicable provisions of this chapter with the exception allowed by the compliance official or his/her designee. City shall issue a permit tracking number upon approval of the recycling plan. (Ord. 360 §1(part), 2005).

8.10.080 Compliance as condition of final approval.

Compliance with the provisions of this chapter shall be listed as a condition of approval on any building or demolition permit issued for a covered project. Compliance for noncovered projects is encouraged, but not required. (Ord. 360 §1(part), 2005).

8.10.090 Submission of recycling plan.

A. Recycling Plan Forms. Applicants for building or demolition permits involving any covered project shall complete and submit a recycling plan on a recycling plan form approved by the city for this purpose as part of the application packet for the building or demolition permit. The completed recycling plan shall indicate all of the following:

1. The estimated volume or weight of project construction and demolition debris by materials type to be generated;
2. The maximum volume or weight of such materials that can feasibly be diverted via reuse or recycling;
3. The vendor or facility that the applicant proposes to use to collect or receive that material; and
4. The estimated volume or weight of construction and demolition debris that will be landfilled.

B. Calculating the Volume and Weight of Debris. In estimating the volume or weight of materials identified in the recycling plan, the applicant shall use the standardized conversion rates approved by the city for this purpose.

C. Deconstruction. In preparing the recycling plan, applicants for building or demolition permits involving the removal of all or part of an existing structure shall deconstruct, to the maximum extent feasible, and shall make the materials generated thereby available for salvage. (Ord. 360 §1(part), 2005).

#### 8.10.100 Review of recycling plan.

A. Approval. Notwithstanding any other provision of this municipal code, no building or demolition permit shall be issued for any covered project unless and until the recycling plan compliance official has approved the recycling plan. Approval shall not be required, however, where an emergency demolition is required to protect the public health, welfare or safety as determined by the chief building official. The compliance official shall only approve a recycling plan if he or she first determines that all of the following conditions have been met:

1. The recycling plan provides all of the information set forth in this chapter; and

2. The recycling plan indicates that at least fifty percent (50%) by weight of all construction and demolition debris generated by the project will be diverted.

If the compliance official determines that these conditions have been met, he or she shall mark the recycling plan "Approved," return a copy of the recycling plan to the applicant, and notify the building department that the recycling plan has been approved.

B. Nonapproval. If the compliance official determines that the recycling plan is incomplete or fails to indicate that at least fifty percent (50%) by weight of all construction and demolition debris generated by the project will be reused or recycled, he or she shall either:

1. Return the recycling plan to the applicant marked "Denied," including a statement of reasons, and so notify the building department; or

2. Return the recycling plan to the applicant marked "Further Explanation Required."

C. Conditional Approval. If the compliance official determines that the applicant has not reached the diversion requirements as specified in this chapter, the compliance official may grant approval of the covered project, if the applicant can show that all reasonable methods of diversion tasks have taken place. The compliance official may also grant approval of the covered project on mutually agreed-upon terms with the applicant. (Ord. 360 §1(part), 2005).

#### 8.10.110 Exemptions.

A. If the compliance official determines that it is infeasible for the applicant to meet the diversion requirement due to unique circumstances, he or she shall determine the maximum feasible diversion rate for each material and shall indicate this rate on the recycling plan submitted by the applicant. The compliance official shall return a copy of the recycling plan to the applicant marked "Approved for Exemption" and shall notify the building department that the recycling plan has been approved.

B. Denial of Exemption. If the compliance official determines that it is possible for the applicant to meet the diversion requirement, he or she shall so inform the applicant in writing. The applicant shall have thirty (30) days to resubmit a recycling plan form in full compliance with this chapter. If the applicant fails to resubmit the recycling plan, or if the resubmitted recycling plan does not comply with this chapter, the recycling plan compliance official shall deny the recycling plan in accordance with this chapter. The applicant will have thirty (30) days to resubmit an acceptable recycling plan to the compliance official for approval. (Ord. 360 §1(part), 2005).

#### 8.10.120 Compliance with recycling plan.

A. Documentation. Prior to receiving a certificate of occupancy for the project, the applicant shall submit to the compliance official documentation that the diversion requirement for the project has been met. The diversion requirement shall be that the applicant has diverted at least fifty percent (50%) of the total construction and demolition debris generated by the project via reuse or

recycling, unless the applicant has been granted an exemption pursuant to this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the compliance official for the project. This documentation shall include all of the following:

1. Receipts from the vendor or facility which collected or received each material showing the actual weight or volume of that material;
2. A copy of the previously approved recycling plan for the project adding the actual volume or weight of each material diverted and landfilled;
3. Any additional information the applicant believes is relevant to determining its efforts to comply in good faith with this chapter.

B. Weighing of Wastes. Applicants shall make reasonable efforts to ensure that all construction and demolition debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the city for this purpose.

C. Determination of Compliance. The compliance official shall review the information submitted by the applicant and determine whether the applicant has complied with the diversion requirement, as follows:

1. Full Compliance. If the compliance official determines that the applicant has fully complied with the diversion requirements applicable to the project, he or she shall approve the recycling plan and inform the building department that a certificate of occupancy can be issued.

2. Substantial Compliance. If the compliance official determines that the diversion requirement has not been achieved, he or she shall determine on a case-by-case basis whether the applicant has made a good faith effort and is in substantial compliance with this chapter. In making this determination, the compliance official shall

consider the availability of markets for the construction and demolition debris landfilled, the size of the project, and the documented efforts of the applicant to divert construction and demolition debris. If the compliance official determines that the applicant has made a good faith effort to comply with this chapter and is in substantial compliance, he or she shall approve the recycling plan and inform the building department that a certificate of occupancy can be issued.

3. Noncompliance. If the compliance official determines that the applicant is not in substantial compliance with this chapter, or if the applicant fails to submit the documentation required by this chapter, then the applicant shall pay a penalty from five hundred dollars (\$500.00) to ten thousand dollars (\$10,000.00) based on the size of the covered project as determined by the building department. The range of penalties may be set by resolution of the city council. If all other requirements for a certificate of occupancy are met, the compliance official will inform the building department that a certificate of occupancy can be issued upon payment of the penalty.

The compliance official has the right to monitor and inspect a project on-site to confirm compliance.

D. Falsification of Records. If the applicant deliberately provides false or misleading data to the city in violation of this chapter, the applicant may be subject to penalties in addition to those specified in this chapter. In any civil enforcement action, administrative or judicial, the city shall be entitled to recover its attorneys' fees and costs from an applicant who is determined by a court of competent jurisdiction to have violated this chapter.

E. Final Approval. All conditions of this chapter shall be met prior to final approval by the building department unless otherwise stated in the contents of this chapter.

F. Appeal. An appeal of the decision of the compliance official may be made to the city council in writing delivered to the city clerk not longer than ten (10) days after the compliance official's decision. The decision of the city council shall be final. The applicant must specifically state in the notice of appeal:

1. The name and address of applicant and applicant's interest in the decision;
2. The nature of the decision appealed from and/or the conditions appealed from;
3. A clear, complete, but brief statement of the reasons why, in the opinion of the applicant, the decision or the conditions imposed were unjustified or inappropriate; and
4. The specific facts of the matter in sufficient detail to notify the city. The appeal shall not be stated in generalities.

The city clerk shall not accept an appeal unless it is complete. (Ord. 360 §1(part), 2005).

#### 8.10.130 Enforcement.

The city attorney is authorized to bring a civil action in any court of competent jurisdiction to recover such civil penalties for the city of Arvin. (Ord. 360 §1(part), 2005).

### Chapter 8.12

#### NUISANCES\*

#### Sections:

- 8.12.010 Definitions.
- 8.12.020 Conditions creating.
- 8.12.030 Nuisance determination and abatement resolution.
- 8.12.040 Notice of abatement hearing--Posting.
- 8.12.050 Notice--Posting and serving.
- 8.12.060 Notice--Proper service.
- 8.12.070 Hearing--Abatement order--City abatement.
- 8.12.080 Service of abatement order--Compliance required.
- 8.12.090 Abatement required.
- 8.12.100 Abatement cost record--Report.
- 8.12.110 Abatement cost report hearing.
- 8.12.120 Abatement cost deemed lien--Collection procedure.
- 8.12.130 Civil action for abatement authorized.

\* For statutory provisions authorizing the city to declare and abate nuisances, see Gov. Code §38771 et seq.

8.12.010 Definitions.

When used in this chapter, the words defined in this section shall have the following meanings:

A. "Incidental expenses" includes, but is not limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts, and in inspecting the work, and the costs of printing and mailings required under this chapter.

B. "Owner" means any person having, or claiming to have, any legal or equitable interest in, or to, the fee relating to a premises.

C. "Premises" means and includes, property, landscaping planting, trees, hushes, fences, buildings, structures, improvements, fixtures and the outside storage of personal property, equipment or supplies. (Ord. 95 §§1(part), 6(part), 9(part), 1973).

8.12.020 Conditions creating.

It is a public nuisance for any person owning, leasing, occupying or having charge of any premises, in this city to:

A. Maintain such premises in a condition which is adverse or detrimental to the public peace, health, safety or general welfare; or

B. Maintain such premises so as to permit the same to become so defective, unsightly, dangerous or in a condition of deterioration or disrepair, so that the same will, or may, cause harm to persons, or which will be materially detrimental to properties and/or improvements located in the immediate vicinity of such premises. (Ord. 95 §1(part), 1973).

8.12.030 Nuisance determination and abatement resolution.

Whenever the city administrator finds that any premises in the city are being maintained contrary to the provisions of Section 8.12.020, the city council, by resolution, may declare its intent to conduct a public hearing to determine whether the same constitutes a public nuisance. Such resolution shall indicate the council's intent to commence abatement proceedings as provided in this

chapter and shall describe the premises involved, by the street address or other description, and the nature of the alleged nuisance, as is sufficient to reasonably identify the same. (Ord. 95 §2, 1973).

8.12.040 Notice of abatement hearing--Posting.

Within thirty (30) days after the passage of the resolution referred to in Section 8,12.030, the city administrator shall cause to be conspicuously posted upon the premises:

- A. A certified copy of such resolution; and
- B. At least two (2) notices of the time and place of hearing before the council, which notices shall be entitled, and substantially in the form, as follows:

"NOTICE OF HEARING TO ABATE NUISANCE"

"Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the City Council of the city of Arvin passed Resolution No. \_\_\_\_\_ declaring its intention to conduct a public hearing to determine whether those certain (Premises) (Buildings) (Structures), located upon that certain real property situated in the City of Arvin, State of California, known and designated as (street address), in said City, more particularly described as: (legal description) constitutes a public nuisance which must be abated by the rehabilitation, repair or demolition of the same.

"If said premises, in whole or in part, are found to constitute a nuisance, and are not abated by the owner or person in charge thereof, said nuisance will be abated by the city, in which case the cost of such rehabilitation, repair or demolition, will be assessed upon the land on which said (premises) (buildings) (structures) (is) (are) located as a lien upon such land in the manner prescribed by law, Said matter will be processed in accordance with Section 1 et seq, of Ordinance 95. Said nuisance consists of the following: \_\_\_\_\_." "All persons having any objection to, or interest in said matter are hereby invited to attend a meeting of the City Council of the City of Arvin to be held in the Arvin Veterans' Building, 148 North Acala Street, Arvin, California, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at the hour of \_\_\_\_\_ a.m. of

said day, when their evidence relating to said matter will be heard and given due consideration.

"BY ORDER OF THE CITY COUNCIL

City Clerk

---

DATED"

(Ord. 95 §4, 1973).

8.12.050 Notice--Posting and serving.

The city clerk shall cause to be served upon the owner of each of the affected premises a copy of the notice and a certified copy of the resolution of the city council in the manner described in Section 8.12.060.

Notices and resolutions shall be posted and served as aforesaid, at least fifteen (15) days before the time fixed for the hearing before the council. Proof of posting and service of such notice and resolution shall be made by affidavit which shall be filed in the office of the city clerk. (Ord. 95 §5, 1973).

8.12.060 Notice--Proper service.

Service of the notice and resolution shall be upon the person owning the premises as such person's name and address appears on the last equalized assessment roll, and upon any person in charge of possession of the premises, by depositing a copy of the notice and resolution enclosed in a sealed envelope, with the postage thereon fully prepaid, in the United States Postal Service. Such mail shall be addressed to such persons at their last known addresses. The service is complete at the time of its deposit in the United States Postal Service. (Ord. 95 §6(part), 1973).

8.12.070 Hearing--Abatement order--City abatement.

At the time stated in the notice, the council shall hear and consider all relevant evidence, including, but not limited to, testimony from owners, witnesses and other parties interested, and staff reports relative to such matter; the hearing may be continued from time to time

B. Upon the conclusion of the hearing, the council shall, based upon the evidence presented, determine whether the premises, or any part thereof, as maintained, constitutes a nuisance within the meaning of Section

8.12.020; if it finds that the same constitutes a nuisance, it shall order the same abated within a reasonable time, which time shall be determined by the council.

C. The city council's decision shall be by resolution which shall contain the informal findings of the council upon which such determination is based. If the nuisance is not abated within the time permitted by the council, the city administrator is authorized to enter upon the premises for the purpose of abating the same, as provided in this chapter. (Ord. 95 §7, 1973).

8.12.080 Service of abatement order--Compliance required.

A copy of such resolution ordering the abatement of a nuisance shall be served upon the owner or other persons having an interest in the affected premises, in accordance with the provisions of Section 8.12.050 and shall contain a description of the needed corrections and/or repair necessary to comply with the abatement order, Any property owner shall have the right to have the nuisance, as declared, abated; provided that the same is completed prior to the expiration of the period of time set forth in such resolution, or if no time is so specified, then within a period not to exceed sixty (60) days after the date of adoption of such resolution. The time set for abatement, upon good cause shown, may be extended for a reasonable time, by the council; provided, that if such nuisance is not abated within such time, the city administrator shall by, city forces, or private contract, cause the same to be abated. (Ord. 95 §8, 1973).

8.12.090 Abatement required.

All or any part of any premises found by the council to constitute a public nuisance which is ordered to be abated, shall be abated by rehabilitation, demolition or repair, pursuant to the procedures set forth in this chapter. (Ord. 95 §3, 1973).

8.12.100 Abatement cost record--Report.

The city administrator shall keep an accounting of the cost, including incidental expenses, of abatement of such nuisance for each separate lot or parcel of land where the work has been done and shall render an itemized report in writing to the city council showing the cost of

abatement, including salvage value if applicable, for each separate lot or parcel of land; provided, that before the report is submitted to the city council for approval, a copy of the same shall be posted for at least five (5) days upon the premises or property upon which such buildings or structures were situated, together with a notice of the time when such report shall be submitted to the city council for confirmation; a copy of the report and notice shall be served upon the owner of the property, in accordance with the provisions of Section 8.12.060, at least five (5) days prior to submitting the same to the council; proof of the posting and service shall be made by affidavit and filed with the city clerk. (Ord. 95 §9(part), 1973).

8.12.110 Abatement cost report hearing.

At the time and place fixed for receiving and considering the cost of abatement report, the city council shall hear and pass upon the report of the city administrator, together with any objections or protests, which must be in writing, raised by any of the persons liable to be assessed for the cost of abating such nuisance. Thereupon the city council may make such revision, correction or modification to such report as it may deem just after which, by resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed; provided that the hearing or consideration may be continued from time to time. The decision of the city council on all protests and objections which may be made shall be final and conclusive. (Ord. 95 §10, 1973).

8.12.120 Abatement cost deemed lien--Collection procedure.

The confirmed cost of abatement of a nuisance upon any lot or parcel of land shall constitute a special assessment against the respective lot of parcel of land to which it relates; and after its recording, as thus made and confirmed shall constitute a lien on the property in the amount of such assessment. After the confirmation of such report, a copy thereof shall be transmitted to the assessor and tax collector for the city, whereupon it shall be the duty of the assessor and tax collector to add the amounts of such assessment, or assessments, to the next regular bills of taxes levied against the respective

lots and parcels of land for municipal purposes, and thereafter such amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes. (Ord. 95 §11, 1973).

8.12.130 Civil action for abatement authorized.

Nothing in this chapter shall be deemed to prevent the city council from ordering the city attorney to commence a civil action to abate a nuisance in addition to, or as an alternative to, the proceedings set forth in this chapter. (Ord. 95 §12, 1973).

Chapter 8.20

DISABLED, DISMANTLED, WRECKED AND JUNKED VEHICLES

Sections:

ARTICLE I NUISANCE ABATEMENT REGULATIONS

- 8.20.010 Declared nuisance--Abatement required.
- 8.20.020 Definitions.
- 8.20.030 Article application--Exclusions.
- 8.20.040 Article application--Not to exclude other provisions.
- 8.20.050 Enforcement--Right of entry granted.
- 8.20.060 Removal of vehicles--Right of entry.
- 8.20.070 Administrative cost assessment.
- 8.20.080 Abatement and removal--Notice.
- 8.20.090 Public hearing--Submission of statement.
- 8.20.100 Public hearing.
- 8.20.110 Disposition of vehicles.
- 8.20.120 Notice to Department of Motor Vehicles.
- 8.20.130 Lien against land.

ARTICLE II STORAGE REGULATIONS

Sections:

- 8.20.140 Finding of necessity.
- 8.20.150 Unlawful acts.
- 8.20.160 Exceptions.
- 8.20.170 Article to be deemed complementary to other regulations.
- 8.20.180 Violation--Penalty.

ARTICLE I NUISANCE ABATEMENT REGULATIONS

8.20.010 Declared nuisance--Abatement required.

A. In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council makes the findings and declarations set out in subsection B of this section.

B. The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property not including highways is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof on private or public property not including highways, except as expressly permitted in this article, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this article. (Ord. 244 (part), 1990).

8.20.020 Definitions.

As used in this article, the following definitions apply:

A. "City council" means the city council of the city of Arvin.

B. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the pub-

lic for purposes of vehicular travel. "Highway" includes "street."

C. "Public property" does not include "highway."

D. "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. (Ord. 244 (part), 1990).

8.20.030 Article application--Exclusions.

A. This article shall not apply to:

1. A vehicle or parts thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.

2. A vehicle or parts thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantled, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

3. Vehicles or parts thereof which are located behind a solid fence six (6) feet in height or which is not plainly visible from a highway.

B. Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division II of the Vehicle Code and this article. (Ord. 244 (part), 1990).

8.20.040 Article application--Not to exclude other provisions.

This article is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction. The administration of this article shall be by regularly salaried, full time employees of the city, except the city council may cause the removal of vehicles or parts thereof from property by other persons. (Ord. 244 (part), 1990).

8.20.050 Enforcement--Right of entry granted.

A. Except as otherwise provided in this article, the provisions of this article shall be administered and enforced by the chief of police, or whomever else the city council so designates. In the enforcement of this article the persons responsible for enforcement or their agents may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle, and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this article.

B. Any person who accumulates or stores abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property not including highways and who does not remove such abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from that person's property within thirty (30) days after receipt of a written notice from the city to remove such vehicles or parts thereof shall be guilty of an infraction and punishable pursuant to the terms set forth in Section 1.12.010 of this code. (Ord. 244 (part), 1990).

8.20.060 Removal of vehicles--Right of entry.

When the city council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. (Ord. 244 (part), 1990).

8.20.070 Administrative cost assessment.

A. The city council shall from time to time determine and fix an amount to be assessed as administrative costs, excluding the actual cost of removal of any vehicle or parts thereof, under this article.

B. If the owner of the land on which the vehicle is located appears in person at the public hearing provided in Section 8.20.090 or presents a sworn statement denying responsibility for the presence of the vehicle on his land, along with his reasons for such denial, and if the city council determines that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence upon his land, then the city council shall not assess costs of admini-

stration or removal of the vehicle against the property upon which the vehicle is located or in any way attempt to collect such costs from the landowner. (Ord. 244 (part), 1990).

8.20.080 Abatement and removal--Notice.

Not less than a ten (10)-day notice of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be mail-ed, by registered mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record, unless the vehicle is in such condition that identification numbers are not available to determine ownership or unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof. Such notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle. The statement shall include notice to the property owner that he may appear in person at a hearing or may present a sworn statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing. However, for those inoperable vehicles located upon a parcel that is (1) zoned for agricultural use or (2) not improved with a residential structure containing one (1) or more dwelling units, the notice of intention is not required for removal of a vehicle or part thereof which is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than two hundred (\$200.00) dollars by a person specified in Section 22855 of the California Vehicle Code, and is determined by the city council to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition under Section 22662 of the California Vehicle Code of such a low-valued vehicle or part for which evidence of registration was recovered, the city shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within twelve (12) days after the notice is

mailed, from the location specified in Section 22662, final disposition may provide. (Ord. 244 (part), 1990).

8.20.090 Public hearing--Submission of statement.

A public hearing shall be held before 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 cost of removal of the vehicle or part thereof against the property on which it is located upon request for such hearing by the owner of the vehicle or the owner of the land on which such vehicle is located. This request for a hearing shall be made to the city council within ten (10) days after the mailing of notice of intention to abate and remove the vehicle. If the owner of the land on which the vehicle is located submits a sworn statement to the city council denying responsibility for the presence of the vehicle on his land within such time period, the statement shall be construed as a request for a hearing which does not require the presence of the owner submitting such request. If such a request for a public hearing is not received within such period, the chief of police or whomever else the city council shall so designate shall have the authority to remove the vehicle without a public hearing. (Ord. 244 (part), 1990).

8.20.100 Public hearing.

A. All hearings under this article 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 private property or public property. The city council shall not be limited by the technical rules of evidence. The owner of the land 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 reasons for such denial.

B. The city council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this article. 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 inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as provided in this article, and determine the administrative costs and the cost of removal to be charged against the owner of the land. 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.

C. If an interested party makes a written presentation to the city council but does not appear he shall be notified in writing of the decision. (Ord. 244 (part), 1990).

#### 8.20.110 Disposition of vehicles.

Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five (5) days from the date of mailing of notice of the decision if such notice is required by Section 8.20.100, or fifteen (15) days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrap yard, automobile dismantler's yard or any suitable site operated by the city for processing as scrap or other disposition provided by the laws of the state. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates pursuant to Section 5004 of the California Vehicle Code in which case it may be reconstructed or made operable. (Ord. 244 (part), 1990).

#### 8.20.120 Notice to Department of Motor Vehicles.

Within five (5) days after the date of 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 registration certificates, certificates of title and license plates. (Ord. 244 (part), 1990).

8.20.130 Lien against land.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 9.20.100 are not paid within thirty (30) days of the date of the order, or the final disposition of an appeal therefrom such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other city taxes. (Ord. 244 (part), 1990).

ARTICLE II STORAGE REGULATIONS

8.20.140 Finding of necessity.

The city council finds that the practice of accumulating, parking or storing of disabled, dismantled or junked automobiles in any number on any lot, place or area in the city, other than when being repaired when temporarily disabled, is hazardous, unsafe and unhealthy for the city residents and is a detriment to the public health, welfare and safety and contributes to the deterioration of neighborhoods and should be regulated. (Ord. 244 (part), 1990).

8.20.150 Unlawful acts.

A. It shall be unlawful for any person, firm or corporation to park, stand, leave parked, leave standing or accumulate one (1) or more disabled, dismantled or junked automobiles, or parts thereof on any lot, place or area in the city, unless the lot, place or area is completely surrounded by a solid fence at least six (6) feet high which substantially eliminates from view the disabled, dismantled or junked automobiles, or unless the automobiles or parts thereof are completely enclosed in a building.

B. The fence referred to in subsection A of this section shall be constructed from any of the following materials: wood, metal, concrete or synthetic compositions. A reasonable regulation for the construction of the fence will be established by the building inspector, upon approval of the city council, and the construction must meet with his approval. The premises shall be kept at all times in a sanitary condition. (Ord. 244 (part), 1990).

8.20.160 Exceptions.

This article shall not apply to any automobile temporarily disabled while the same is being repaired provided the repairs are completed within sixty (60) days after the automobile is disabled. (Ord. 244 (part), 1990).

8.20.170 Article to be deemed complementary to other regulations.

The ordinance codified in this article shall not be construed to repeal any ordinance or any part thereof, but shall be deemed complementary to all other ordinances and parts thereof. (Ord. 244 (part), 1990).

8.20.180 Violation--Penalty.

Any person, firm or corporation violating any of the provisions of this article shall be guilty of an infraction, and upon conviction thereof shall be punished by a fine not exceeding five hundred (\$500.00) dollars. (Ord. 244 (part), 1990).

Chapter 8.24

AGRICULTURAL ACTIVITIES

Sections:

- 8.24.010 Declared nonnuisance activities.
- 8.24.020 State laws not affected.
- 8.24.030 Definition of term.

8.24.010 Declared nonnuisance activities.

No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in and adjacent to the city, shall be or become a public nuisance, due to any changed condition in or about the said area, after the same has been in operation for more than three (3) years if it was not a nuisance at the time it began. (Ord. 251 §1, 1991).

8.24.020 State laws not affected.

This chapter shall not invalidate any provisions contained in the State of California Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 of the Water Code, if the agricultural activity, operation or facility, or appurtenances thereof, constitute a nuisance, public or private, as specifically defined or described in any such provision, or other state applicable laws. (Ord. 251 §2, 1991).

8.24.030 Definition of term.

For the purposes of this chapter, the term "agricultural activity, operation, or facility, or appurtenances thereof" shall include, but not be limited to, the cultivation, growing and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market. (Ord. 251 §3, 1991).