

EXETER CITY COUNCIL ACTION MINUTES
February 9, 2021

A closed session of the City Council, City of Exeter was held on Tuesday, February 9, 2021, at 6:30 p.m., in the Exeter City Council Chambers, 137 North F Street.

COUNCIL PRESENT: Barbara Sally, Frankie Alves, Dave Hails, Justin Mills, and Mary Waterman-Philpot

COUNCIL ABSENT: None

STAFF PRESENT: Adam Ennis, Julia Lew, Shonna Oneal

A. CALL TO ORDER CLOSED SESSION

Mayor Sally called the closed session to order at 6:30 p.m.

B. PUBLIC COMMENTS REGARDING CLOSED SESSION MATTERS

Mayor Sally requested those who wish to speak on matters listed on the Closed Session Agenda to do so at this time.

There were no public comments presented.

C. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):

Mayor Sally adjourned to closed session at 6:30 p.m.

1. 54956.9(d)(1) Conference with Legal Counsel, Existing Litigation – 1 case
 Name of Case: Worker's Compensation Claim
 Worker's Compensation Appeal Board Case No.: FR150158
2. 54957(b)(1) Annual Public Employee Performance Evaluation – City Administrator

A regular session of the City Council, City of Exeter was held on Tuesday, February 9, 2021, at 7:03 p.m., in the Exeter City Council Chambers, 137 North F Street.

COUNCIL PRESENT: Barbara Sally, Frankie Alves, Dave Hails, Justin Mills, and Mary Waterman-Philpot

COUNCIL ABSENT: None

STAFF PRESENT: Adam Ennis, Julia Lew, John Hall, Daymon Qualls, Chris Tavarez, Shonna Oneal

D. CALL TO ORDER REGULAR SESSION AND REPORT ON CLOSED SESSION ITEMS (if any)

Mayor Sally called the regular session to order at 7:03 p.m. and advised there is no reportable actions from Closed Session.

E. PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was given by Mayor Pro Tem Alves and an invocation was given by Pastor Jim Newman.

F. SPECIAL PRESENTATIONS (if any): None

G. PUBLIC COMMENTS:

Mayor Sally requested those who wish to speak on matters that are not on the agenda that are within the jurisdiction of the Exeter Council, or to address or request a matter be pulled from the consent calendar to do so at this time. She also stated comments related to Individual Business or Public Hearing items that are listed on the agenda will be heard at the time that matter is addressed on the agenda.

Mike Germaine addressed the Council to advise the Exeter Bark Park is a great place to visit during the pandemic and to thank the Public Works Department for pruning the trees around the park.

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EXETER CITY COUNCIL
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H. CONSENT CALENDAR:

It was moved by Mayor Pro Tem Alves, seconded by Council Member Mills and unanimously carried that the items on the Consent Calendar be approved as presented.

1. **Approve regular minutes of January 26, 2021**
2. **Payment of the Bills**
3. **Payroll: January 22, 2021 and February 5, 2021**
4. **Treasurer's Report: November 2020 and December 2020**
5. **Approve an appropriation of \$73,588 into capital account 107.441.080.017 and affirm the sole source emergency purchase from the only regional manufacturer representative, Shape Incorporated, Stockton, CA, for three (3) 15 HP Flygt pumps for the wastewater treatment plant.**
6. **Approve contract amendment with 4Creeks of Visalia, CA to include an additional \$42,706.38 for Construction Management/Resident Engineer services for the E. Palm Street Reconstruction Project, STPL-5195(022).**
7. **Accept a Notice of Completion for the construction contract for the E. Palm Street Reconstruction Project, STPL-5195(022), with AJ Excavation, authorize the City Engineer to sign the Notice of Completion, and the City Clerk to file the notice with the County Recorder's Office and appropriate an additional \$7,601.00 from the Measure R Fund (131) to cover total project costs.**

I. INDIVIDUAL BUSINESS ITEMS

1. **Authorize the City Administrator to enter into negotiations with Mid Valley Disposal of Kerman, Ca in an effort to piggyback a competitive procurement process and develop a franchise agreement for Residential and Commercial Garbage, Recyclable Material, and Organics Waste Collections Services in the City of Exeter and return to Council with a future item for review and consideration of how to proceed with continuing to provide these services.** Public Works Director Daymon Qualls provided a report for Council's review and consideration. Council posed questions and Mr. Qualls and City Attorney Julia Lew responded thereto. Following discussion, it was moved by Council Member Waterman-Philpot, seconded by Mayor Pro Tem Alves and unanimously carried to authorize the City Administrator to enter into negotiations with Mid Valley Disposal of Kerman, Ca in an effort to piggyback a competitive procurement process and develop a franchise agreement for Residential and Commercial Garbage, Recyclable Material, and Organics Waste Collections Services in the City of Exeter and return to Council with a future item for review and consideration of how to proceed with continuing to provide these services.
2. **Public Hearing to discuss and 1) consider adoption of Resolution 2021-02 for submittal of a 2020 Community Development Block Grant (CDBG) – Corona Virus (CV) 2&3 Application for \$298,107 to be used for Economic Development Business Assistance, 2) consider adoption of Resolution 2021-03 for approval of City of Exeter Business Assistance Payment Program Guidelines and 3) authorize the City Administrator to execute the subrecipient agreement with Self-Help Enterprises for administration of the program.** Finance Director Chris Tavarez provided a PowerPoint presentation highlighting the Economic Development Business Assistant Payment Program. Council posed questions and City Administrator Adam Ennis and Susan Long with Self-Help Enterprises provided responses thereto.

Mayor Sally opened the public hearing at 7:26 p.m., receiving no public comment, closed the public hearing at 7:26 p.m.

Following discussion, it was moved by Council Member Mills, seconded by Council Member Hails and unanimously carried to adopt Resolutions 2021-02 and 2021-03 as presented and to authorize the City Administrator to execute the subrecipient agreement with Self-Help Enterprises for administration of the program.

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3. **Determine an appointment and term selection process and consider applicants for appointment as Measure P Oversight Committee Members.** City Administrator Adam Ennis provided a report for Council's review and consideration. The Council discussed making the appointments to the Measure P Oversight Committee and directed staff to draw names out of a hat and contact the appointed committee members in the order drawn to inquire about preference on 2 or 4 year term limits. Following discussion, it was moved by Council Member Waterman-Philpot, seconded by Mayor Pro Tem Alves and unanimously carried to appoint Steven Garver, Troy Kadin, Jennifer Dunlap, Patricia Thompson, William Stimpel, Veronica Casanova, and Mary Barker to the Measure P Oversight Committee.

J. CITY COUNCIL ITEMS OF INTEREST

There were no items of interest reported.

K. CITY ADMINISTRATOR/DEPARTMENT COMMENTS

City Administrator Adam Ennis provided a brief update on COVID and City projects. He also advised staff was preparing a mid-year finance update for a future meeting.

L. ADJOURN REGULAR MEETING

Mayor Sally adjourned the regular meeting at 7:50 p.m.

Shonna Oneal City Clerk

ACS/XEROX FINANCIAL SYSTEM CITY OF EXETER
 2/11/2021 12:04:44 Payments for Publication GL335R-V08.15 PAGE

Approved on 2/11/2021 for Payments Through 2/11/2021

Vendor Name	Description	Amount
A.J. EXCAVATION INC	E PALM ST RECONST PROJEC	451,582.71
AT&T	JAN LIVESCAN	451.73
AT&T MOBILITY	01/14-2/02/21	990.63
CALIFORNIA BUSINESS MACHINES	ADMIN-2/8-3/7/21 BASE	115.84
CENTRAL CAL WATERWORKS, INC	JAN 2021 WWTP	6,233.33
CENTRAL VALLEY SWEEPING LLC	JAN STREET SWEEPING	3,350.00
CITY OF EXETER	12/18-1/18/21 ASSES	736.82
CITY OF VISALIA	FEB 2021 ANIMAL SVC FEE	6,316.67
COLLINS & SCHOETTLER	JAN 2021 PLANNING	1,620.00
CONSUELO MAGANA VIVEROS	UB DEPOSIT REFUND	35.34
CRAIGS AUTO PARTS	WWTP RED GREASE PAIL	2,451.12
CULLIGAN	JAN PD WATER SERVICE	141.70
DAWSON-MAULDIN LLC	EXCAVATE SD A ST & PALM	1,283.10
DELTA LIQUID ENERGY, ARRO AUTO	1/12/21 PROPANE ALDRIDGE	323.04
DEPT OF JUSTICE	DEC BLOOD ALCOHOL ANALYS	70.00
ELITE CORPORATE MEDICAL SERV	MEDICAL CLINIC FEES-56	1,316.00
EMD NETWORKING SERVICES, INC.	JAN 2021 VOIP	1,126.82
EXETER MERCANTILE CO.	TRUFUEL 50:1 32OZ	17.22
EXETER MOTORS, INC.	ROTOR ASY-BR	1,578.54
FERGUSON ENTERPRISES INC	LF 1 PE COMPMTR STRT BA	1,973.21
FOOTHILLS SUN-GAZETTE	PN-066-05, ORDINANCE SUM	137.50
FP MAILING SOLUTIONS	02/08-05/07/21 POSTAGE	109.91
FRESNO OXYGEN	STD LG FOWS CYLS/B AC	110.61
FRONTIER CALIFORNIA INC.	6682-1/22-2/21/21	168.34
GALLS PARENT HOLDINGS LLC	12 2TONE REVSBLE JACKET	1,136.44
GHD INC	VISALIA ROAD IMPROVEMENT	1,505.00
GOPHER GETTER	DEC GOPHER SVC	660.00
GOVERNMENT REVENUE SOLUTIONS	STAR SALES TAX 3RD QT	606.03
HINOJOSA/ MARIO	TINT FOR GREY FORD FUSIO	150.00
HUERTA/ ANTONIO	ENCROACHMENT REIMBURSEME	125.00
IMS INFRASTRUCTURE MANAGEMENT	CONSULTING SVC PAVEMENT	1,375.00
INTERSTATE BATTERIES, DBA	C65-XHD BATTERY	299.28
JACK GRIGGS INC	JAN 2021 GAS	6,104.10
KENT M. KAWAGOE, PH.D.	PRE-EMP EVAL-GIEFER	450.00
KRC SAFETY CO INC.	SCHOOL XING SIGN	1,482.52
LEAF CAPITAL FUNDING LLC	PW-KYOCERA TA2552CI 02	103.93
LEAGUE OF CA CITIES	2021 MEMBERSHIP DUES-SOU	137.68
MID VALLEY DISPOSAL, LLC	JAN MID VALLEY	82,605.80
MOORE TWINING ASSOCIATES, INC	5 MPN 10/DAY	262.00
MY PLAYGROUNDS	SCROTH PLAYGRND EQUIP PR	9,999.82
GOLDSTROM/ NORM	MILEAGE EXPENSE	181.44
OFFICE DEPOT	CARD STOCK, BANKERS BOX,	94.92
PROFORCE	PANEL+CARRIER (TRUJILL/PR	1,907.75
PRUDENTIAL OVERALL SUPPLY	1/28/21 UNIFORM SERVICES	214.56
ROBERT HALF INTERNATIONAL INC.	WKEND 02/05/21 LOURDES	2,253.30
ROMAN CATHOLIC BISHOP	2/5/21 ARROYO	18.00
SELF-HELP ENTERPRISES	JAN LOAN-ADMIN SERVICES	3,662.50
SIERRA SANITATION INC	STANDING SINK 2/2-3/21/2	94.78

Approved on 2/11/2021 for Payments Through 2/11/2021

Vendor Name	Description	Amount
SIMMONS TIRE SERVICE	TRAILER 1 FLAT/DM & M-15	40.00
SOUTHERN CALIFORNIA EDISON	9240C-12/24-1/26/21	18,839.44
SOUTHERN CALIFORNIA GAS CO.	0493-12/28-1/27/21	1,400.81
STANDARD INSURANCE CO.	FEB 2021 LIFE INSURANCE	2,139.64
T-MOBILE	11/21-12/20/19 GPS	2,466.00
T-MOBILE USA INC	MOBILE SVC12/21-01/20/21	710.30
TF TIRE AND SERVICE	225/70R19.5 2016 F550	3,091.21
THE BANK OF NEW YORK MELLON	TRUSTEE FEE-WTR REFUND B	1,250.00
TOP DOG TRAINING CENTER	K9 MONTHLY MAINT QTY12	1,200.00
TULARE CO CHIEFS ASSOCIATION	2021 ANNUAL MEMBERSHIP	250.00
TULARE COUNTY	DEC-MAIL DELINQ/WTR	7,661.90
TULARE COUNTY SHERIFF'S DEPT	10/1-12/31/20 DISPATCH	23,945.75
UNITED RENTALS	1 BLADE 14X12 ASPLT	177.79
UNIVAR SOLUTIONS USA INC	WELL 11 SOD HYPO 12.5%	340.41
US BANK N.A.	JAN CUSTODY CHARGES	42.75
VALLEY GREEN LANDSCAPE	JAN CITY PARK MAINTENCE	8,408.00
VALLEY PACIFIC PETROLEUM	PC PURITY FG AW HYD FL	662.00
VAST NETWORKS	FEB 2021 UTILITY SYSTEM	1,000.00
VERIZON WIRELESS	12/29-1/28/21	1,085.15
VOLLMER EXCAVATION, L.P.	TRANSFER LOAD OF FILL SA	1,382.75

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Final Totals... 673,763.93

**City of Exeter
Agenda Item Transmittal**

Meeting Date: February 23, 2021

Agenda Item Number: **H3**

Wording for Agenda: Confirmation of initial appointment term lengths for the Measure P Oversight Committee members as follows:

Jennifer Dunlap	4 Years
William Stimple	2 Years
Patricia Thompson	4 Years
Steven Garver	4 Years
Mary Barker	4 Years
Veronica Casanova	2 Years
Troy Kadin	2 Years

Submitting Department: Administration
Contact Name: Adam Ennis
Phone Number: (559) 592-4539
Email: adam@exetercityhall.com

Department Recommendation:

Staff recommends that the Council confirm initial appointment term lengths for the Measure P Oversight Committee members

Summary:

At their February 9, 2021 meeting, Council selected seven initial members, out of the 11 applications received, for the Measure P Oversight Committee. The Council also directed staff to randomly select the committee members' names one by one to establish a priority order for the members to select their option of a 2 or 4-year term, which would begin February 1, 2021 and end on January 31 of their expiring year. After discussions with each member, in the order randomly determined above, the following term lengths have been selected:

4 Year Terms (ending January 2025)

Mary Barker
Jennifer Dunlap
Steven Garver
Patricia Thompson

2 Year Terms (ending January 2023)

Veronica Casanova
Troy Kadin
William Stimple

A recommended initial expenditure plan has been provided for the Council's review and comment. The plan is now ready to be taken to the Measure P Oversight Committee for review in February/March 2021. In March 2021, staff could then bring the initial expenditure plan, with Oversight Committee comments, back to Council for final adjustments and approval for the mid-year 2020/2021 budget adjustment. This schedule would provide for having a budget in place for the new revenues prior to the beginning of the tax collection in April 2021 and the first disbursement to the City in early July 2021.

For action by:

City Council

Regular Session:

Consent Calendar

Regular Item

Public Hearing

Review:

**City Administrator
(Initials Required)**



Background:

The committee would act in a community advisory role to the Council regarding the use of Measure P revenues. The committee will review the annual revenues from the *City of Exeter Transactions and Use Tax (Measure P)* and the proposed annual budget expenditures and present opinions to the Council regarding the expenditures being consistent with the desires of the community. City staff would assist the committee as needed.

As directed by Council on December 8, 2020, staff developed a committee application and information sheet for placement on the City website, Facebook page and in the December utility bills and presented to community groups in person and through email. The information sheet presented the purpose of the group, organization, anticipated schedule of meetings and responsibilities of the committee. Applications were due to the City Clerk's office by January 19, 2021. The City Clerk received 11 applications.

On January 26, 2021 the Council adopted Resolution 2021-01 creating the Transactions and Use Tax Oversight Committee, known as the Measure P Oversight Committee, in accordance with Ordinance 694. The number of committee members has been set by the Council at seven (7) and all committee appointments are by and at the pleasure of the Council. The standard lengths of appointment will be for four years, however, the initial appointments will be equally divided, as closely as possible, with two and four-year terms to allow for future staggering of four-year terms. The committee will meet at a minimum once per year, but potentially two to four times per year, during budget preparation or amendment. The committee meetings will be conducted in accordance with the Brown Act, being open to the public and public comment with agendas posted a minimum of 72 hours in advance. The parliamentary procedure followed by the committee will be the Robert's Rules of Order. The committee will issue an annual report that will be presented to City Council.

Fiscal Impact: None with this item. In other agenda items fiscal impacts due to the revenue measure and the associated initial expenditure plan will be determined.

Prior Council/Board Actions: Miscellaneous Council actions over the last three years regarding the revenue measure and associated oversight committee.

Attachments: None

<p>Recommended motion to be made by Council/Board: I move to confirm the initial appointment term lengths for the Measure P Oversight Committee members.</p>

**City of Exeter
Agenda Item Transmittal**

Meeting Date: February 23, 2021

Agenda Item Number: H4

Wording for Agenda: Consider participation in the County of Tulare's Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP) update as required by the Federal Emergency Management Agency (FEMA) to remain eligible for future federal disaster mitigation funding and authorize the City Administrator to execute a letter of commitment by the City of Exeter as a participating jurisdiction to the County of Tulare's 2023 Multi-jurisdictional Hazard Mitigation Planning update effort for their grant application packet.

Submitting Department: Administration
Contact Name: Adam Ennis
Phone Number: (559) 592-4539
Email: adam@exetercityhall.com

For action by:

City Council

Regular Session:

Consent Calendar

Regular Item

Public Hearing

Review:

**City Administrator
(Initials Required)**



Department Recommendation:

Staff recommends that the Council participate in the County Tulare's MJLHMP and authorize the City Administrator to execute a letter of commitment by the City of Exeter as a participating jurisdiction to the County of Tulare's 2023 Multi-jurisdictional Hazard Mitigation Planning update effort for their grant application packet.

Summary:

In 2018, the County of Tulare along with the other jurisdictions of Dinuba, Exeter, Farmersville, Lindsay, Porterville, and Tulare, as well as the Tulare County Office of Education and the Tule River Indian Tribe of California, completed their Federal Emergency Management Agency's (FEMA) required Multi-Jurisdictional, Local Hazard Mitigation Plan (MJLHMP) as required under 44 Code of Federal Regulations CFR §201.6. Tulare County is now applying for a grant to conduct their required 5-year update of the Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP) to remain eligible for future federal disaster mitigation funding. As part of the grant application they need commitment letters from the local agencies to commit to the obligations incurred by participating in the FEMA hazard mitigation planning process as a participant in a multi-jurisdictional plan.

Background:

The MJLHMP is currently a stand-alone General Plan level document, typically incorporated by reference, that contains a county-wide climate change vulnerability assessment and an assessment of climate change effects for the entire county (including extreme heat, extreme precipitation, and wildfire) and a risk assessment and valuation for county assets. Given its approval in 2018 / 2019, it does not address the State Groundwater Management Act implementation, or the 2020 California Adaptation Planning Guide (Cal APG 2.0). It does however contain a variety of mitigation strategies in these areas and capabilities assessments for each jurisdiction within the plan.

These mitigation measures include what is required in the [FEMA's Local Mitigation Planning Handbook](#):

- Identification of hazards unique to the jurisdiction and not addressed in the master planning document;

- The conduct of a vulnerability analysis and an identification of risks, where they differ from the general planning area;
- The formulation of mitigation goals responsive to public input and development of mitigation actions complementary to those goals. A range of actions must be identified specific for each jurisdiction;
- Demonstration that there has been proactively offered an opportunity for participation in the planning process by all community stakeholders (examples of participation include relevant involvement in any planning process, attending meetings, contributing research, data, or other information, commenting on drafts of the plan, etc.);
- Documentation of an effective process to maintain and implement the plan; and,
- Formal adoption of the Multi-jurisdictional Hazard Mitigation Plan by the jurisdiction's governing body (each jurisdiction must officially adopt the plan).

Additionally, it provides a climate adaptation and resiliency crosswalk that highlights the connection between the County LHMP, their CAP, and the Health & Safety Element of their General Plan. Local Governments are required to update their LHMP every 5 years to remain eligible for future federal disaster mitigation funding. By receiving grant funding and having begun the process, the County can complete this effort within that 5-year time horizon (2023), as part of a larger Health and Safety Element Update.

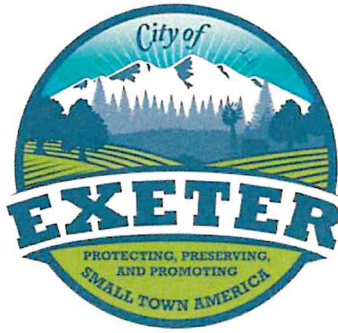
In 2018, SB 1035 further revised § 65302 to require that after 2022, the safety element be reviewed and updated upon each revision of the housing element or LHMP, but no less than once every eight years, to address climate adaptation and resiliency and identify new information relating to flood and fire hazards. Given the State of California has updated its Adaptation Planning Guide (AGP 2.0), and the County is coming up on its 2024 Housing Element, and the 5 year, 2023 LHMP Update requirement, the County is looking to make the LHMP part of its 2030 General Plan, Health and Safety Element in order to address the updated State and Federal Guidance.

Fiscal Impact: There would be staff time and effort for review, allowing for public participation and Council presentations but costs above those already budgeted are anticipated to be relatively low.

Prior Council/Board Actions: Previous participation in developing the County of Tulare Multi-Jurisdictional Local Hazard Mitigation Plan

Attachments: Commitment Letter

Recommended motion to be made by Council/Board: I move to authorize the City Administrator to execute a letter of commitment by the City of Exeter as a participating jurisdiction to the County of Tulare's 2023 Multi-jurisdictional Hazard Mitigation Planning update effort for their grant application packet.



Office of the City Administrator

100 North C Street – PO Box 237 Exeter, CA 93221
Ph. #559-592-9244 Fax # 559-592-3556

February 24, 2021

County of Tulare
Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

RE: Letter of Commitment as a Participating Jurisdiction in the County of Tulare
Multi-jurisdictional Hazard Mitigation Planning 2022 Update

Dear State Hazard Mitigation Officer:

In 2018, the County of Tulare along with the other jurisdictions of Dinuba, Exeter, Farmersville, Lindsay, Porterville, and Tulare, as well as the Tulare County Office of Education and the Tule River Indian Tribe of California completed its Federal Emergency Management Agency's (FEMA) required Multi-Jurisdictional, Local Hazard Mitigation Plan (MJLHMP) as required under 44 CFR §201.6. The MJLHMP is currently a stand-alone (incorporated by reference) General Plan level document containing a county-wide climate change vulnerability assessment and an assessment of climate change effects for the entire county (including extreme heat, extreme precipitation, and wildfire) and a risk assessment and valuation for county assets. Given its approval in 2018 / 2019, it does not address the State Groundwater Management Act implementation, or the 2020 California Adaptation Planning Guide (Cal APG 2.0). It does however contain a variety of mitigation strategies in these areas and capabilities assessments for each jurisdiction within the plan.

These mitigation measures include what is required in the [FEMA's Local Mitigation Planning Handbook](#):

- Identification of hazards unique to the jurisdiction and not addressed in the master planning document;
- The conduct of a vulnerability analysis and an identification of risks, where they differ from the general planning area;
- The formulation of mitigation goals responsive to public input and development of mitigation actions complementary to those goals. A range of actions must be identified specific for each jurisdiction;
- Demonstration that there has been proactively offered an opportunity for participation in the planning process by all community stakeholders (examples of participation include relevant involvement in any planning process, attending meetings, contributing research, data, or other information, commenting on drafts of the plan, etc.);

- Documentation of an effective process to maintain and implement the plan;
- and,
- Formal adoption of the Multi-jurisdictional Hazard Mitigation Plan by the jurisdiction's governing body (each jurisdiction must officially adopt the plan). Additionally, it provides a climate adaptation and resiliency crosswalk that highlights the connection between their LHMP, their CAP, and the Health & Safety Element of their General Plan. Local Governments are required to update their LHMP every 5 years to remain eligible for future federal disaster mitigation funding. By receiving grant funding and having begun the process, the County can complete this effort within that 5-year time horizon (2023), as part of a larger Health and Safety Element Update.

In 2018, SB 1035 further revised § 65302 to require that after 2022, the safety element be reviewed and updated upon each revision of the housing element or LHMP, but no less than once every eight years, to address climate adaptation and resiliency and identify new information relating to flood and fire hazards. Given the State of California has updated its Adaptation Planning Guide (AGP 2.0), and the County is coming up on its 2024 Housing Element, and the 5 year 2023 LHMP Update requirement, the County is looking to make the LHMP part of its 2030 General Plan, Health and Safety Element in order to address the updated State and Federal Guidance.

It is with a full understanding of the obligations incurred by participating in the FEMA hazard mitigation planning process as a participant in a multi-jurisdictional plan; I, Adam Ennis (City Administrator), commit the City of Exeter to the County of Tulare's Multi-jurisdictional Hazard Mitigation Planning effort.

This document is executed this 24th day of February 2021.

Please contact me at your convenience with any questions.

Sincerely,

Adam Ennis
City Administrator
City Of Exeter
100 North C Street
Exeter, CA 93291
Phone: (559) 592-4539
E-Mail: adam@exetercityhall.com

**City of Exeter
Agenda Item Transmittal**

Meeting Date: February 23, 2021

Agenda Item Number: 11

Wording for Agenda: Public Hearing to consider amendments to the Exeter Municipal Code, Title 10 - Vehicles and Traffic - Chapter 10.04 - Traffic Regulations; and introduce and give first reading of Ordinance 696 amending and restating Title 10, Chapters 10.04 through 10.60 of the City of Exeter Code of Ordinances, making Technical Corrections, Eliminating Chapters 10.48 and 10.52 (Bicycle Licensing and Use), Further Defining "Commercial Vehicle," and Restricting Parking of Said Vehicles.

Submitting Department: Public Works
Contact Name: Daymon Qualls
Phone Number: 592-3318
Email: dqualls@exetercityhall.com

For action by:

City Council

Regular Session:

Consent Calendar

Regular Item

Public Hearing

Review:

**City Administrator
(Initials Required)**

ABL

Department Recommendation:

Staff recommends that Council hold a public hearing, accept and consider public comments, close the public hearing, and introduce and give first reading of Ordinance 696 amending and restating Title 10, Chapters 10.04 through 10.60 of the City of Exeter Code of Ordinances, making Technical Corrections, Eliminating Chapters 10.48 and 10.52 (Bicycle Licensing and Use), Further Defining "Commercial Vehicle," and Restricting Parking of Said Vehicles.

Summary/Background:

Two main areas in Title 10, Chapter 10.04 of the Exeter Municipal Code have been identified as needing updating; commercial vehicle definitions for parking in residential neighborhoods and bicycle licensing requirements. In addition, several other minor edits and corrections were also identified.

A commercial vehicle is defined by the California Department of Motor Vehicles (DMV) as a vehicle which is used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property. In order to maintain the residential neighborhood atmosphere within a community, and in the interest of public safety and welfare, commercial vehicles are generally prohibited from parking on any street, alley, public way or public place, or in residential areas, except with respect to making pickups or deliveries from or to any building or structure, or for the purpose of delivering materials.

As the Exeter Municipal Code (EMC) 10.28.010 is currently written, parking a commercial vehicle in a residential driveway, front yard, side yard, or rear yard, is not expressly prohibited. In recent months, staff has seen an increase in complaints regarding commercial vehicles being parked in certain residential areas. In addition to the nuisance these commercial vehicles create for residents, there is also concern for the heavy vehicles driving on residential streets which are not structurally designed for such traffic. Heavy commercial vehicles can cause damage to the pavement, as well as underground utilities that may be in the area. In some cases, commercial vehicles are being driven over the residential curb and sidewalk to access side or rear yards.

This can cause cracking or breaking of the curb and sidewalk which could potentially result in a trip hazard for pedestrian traffic.

While the intent of the ordinance is to prevent the parking of a commercial vehicle anywhere within a residential area, the ambiguity of the current language creates a loophole of sorts and has proven to be problematic for police officers and code enforcement personnel tasked with enforcing the no parking restrictions. Accordingly, the proposed amendments to the ordinance further defines a “commercial vehicle” and expressly prohibits the parking of such vehicles in a residential driveway, front yard, side yard, or rear yard. For the purpose of this ordinance, a pickup truck is not considered a commercial vehicle and to reduce potential confusion a definition specific to pickup trucks is also being recommended.

The ordinance amendment also eliminates Chapter 10.48 – Bicycle Licensing. While bicycle licensing and registration programs were once common in most cities, the administration of such programs is time consuming for City staff and puts an unnecessary burden on bicycle owners. The California Vehicle Code governs the operation of bicycles and can be used for enforcement purposes when necessary without the need for bicycle licensing.

In addition to the above two areas, a full review of this ordinance chapter identified several other minor corrections and amendments that are being recommended to reduce ambiguity and provide more clarity.

Fiscal Impact: There is no anticipated financial impact as a result of these amendments.

Prior Council/Board Actions: None

Attachments: 1. Current Title 10 - VEHICLES AND TRAFFIC - Chapter 10.04 – TRAFFIC REGULATIONS with tracked changes

2. Amended Title 10 - VEHICLES AND TRAFFIC - Chapter 10.04 – TRAFFIC REGULATIONS

<p>Recommended motion to be made by Council/Board: I move to give first reading of Ordinance 696 amending and restating Title 10, Chapters 10.04 through 10.60 of the City of Exeter Code of Ordinances, making Technical Corrections, Eliminating Chapters 10.48 and 10.52 (Bicycle Licensing and Use), Further Defining “Commercial Vehicle,” and Restricting Parking of Said Vehicles, read by title only, and waiving further reading in full.</p>

Title 10 - VEHICLES AND TRAFFIC

Chapters:

Chapter 10.04 - TRAFFIC REGULATIONS⁽¹⁾

Sections:

Footnotes:

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For statutory provisions on local authority to place traffic-control devices, see Vehicle Code § 21351 et seq. and § 21450 et seq.; for provisions on local parking curb markings, see Vehicle Code § 21458; for provisions on local parking regulations, see Vehicle Code §§ 22506 et seq.; for provisions on stopping, standing and parking generally, see Vehicle Code § 22500 et seq.

10.04.010 - Authorization by council.

The city council may by resolution authorize any action authorized or permitted by this chapter.

(Ord. 349 Art. 2, 1976).

10.04.020 - Definitions.

The following words and phrases, when used in this chapter, shall for the purpose of this chapter have the meanings respectively ascribed to them in this section:

- A. "Curb" means the lateral boundary of the roadway, whether such curb be marked by curbing construction or not so marked. "Curb," as used in this chapter, shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracts or rights-of-way of public utility companies.
- B. "Park" means to stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials.

(Ord. 349 §§1, 1.1, 1.2, 1976).

10.04.030 - Traffic-control device—Installation.

- A. The city council shall have the power and duty to place and maintain or cause to be placed or maintained official traffic-control devices when and as required to make effective the provisions of this chapter.
- B. Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic-control devices be installed to give notice to the public of the application to such law, the city council is authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.
- C. The city council shall also place and maintain or cause to be placed and maintained such additional traffic-control devices as the council may deem necessary or proper to regulate traffic or to guide or warn traffic.

(Ord. 349 §3, 1976).

10.04.040 - Traffic-control device—Obedience.

The operator of any vehicle or train shall obey the instructions of any official traffic-control device placed in accordance with this chapter, unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle responding to emergency calls.

(Ord. 349 §3.1, 1976).

10.04.050 - Traffic-control device—Removal, relocation, or discontinuance.

The city council is authorized to have removed, relocated, or discontinued the operation of any traffic-control device not specifically required by the Vehicle Code or this chapter whenever the council shall so determine.

(Ord. 349 §3.4, 1976).

10.04.060 - Installation of traffic signals.

The city council is authorized to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion, or to protect life or property from exceptional hazards determined by the council.

(Ord. 349 §3.2, 1976).

10.04.070 - Lane marking.

The city council is authorized to have marked centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles, and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway.

(Ord. 349 §3.3, 1976).

10.04.080 - Unauthorized painting of curbs.

No person, unless authorized by this city, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of this city pertaining thereto.

(Ord. 349 §3.5, 1976).

10.04.090 - Erection of stop signs.

- A. Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the city council shall have erected and maintained stop signs as follows:

A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated, and at those entrances of other intersections where a stop is required, and at any railroad grade crossing so designated. Every such sign shall conform with, and shall be placed as provided in, the Vehicle Code.

- B. Those streets and parts of streets established by resolution of the city council are declared to be through streets for the purposes of this section.
- C. The provisions of this section shall also apply to one or more entrances to the intersections as such entrances and intersections are established by resolution of the city council.

(Ord. 349 §§4, 4.1, 1976).

10.04.100 - Emerging from alley, driveway, or building.

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or driveway.

(Ord. 349 §4.2, 1976).

10.04.110 - Stopping, standing, or parking—Scope.

- A. The provisions of this chapter prohibiting the stopping, standing, or parking of a vehicle shall apply at all times or at those times specified in this chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.
- B. The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

(Ord. 349 §5, 1976).

10.04.111 - Emergency parking signs.

- A. Whenever the city administrator shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, the city administrator has the power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the city administrator shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency, and the city administrator shall cause such signs to be removed promptly thereafter.
- B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the direction and provisions of such signs.

(Ord. 416 §1, 1978).

10.04.112 - Prohibition of parking of vehicles, boats and/or trailers for purposes of displaying same for sale upon arterial and collector streets.

No person or entity shall be permitted to park any motor vehicle, boat and/or trailer for purposes of displaying same for sale upon any street within the city of Exeter which has been designated as an arterial or collector street under the circulation element of the general plan of the city of Exeter. The city shall post notices of this prohibition at appropriate and conspicuous places along all such arterial and collector streets within the city limits. Any violation of the provisions of this section shall constitute an infraction, punishable as described in Section 1.12.030 of this code.

(Ord. 615 §1, 2004).

10.04.120 - Stopping, standing, or parking in parkways prohibited.

No person shall stop, stand, or park a vehicle within any parkway.

(Ord. 349 §5.1, 1976).

10.04.130 - Stopping, standing, or parking—Curb markings or signs.

- A. The city council is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in this chapter.
- B. When the curb markings or signs are in place, no operator of any vehicle shall stop, stand, or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this chapter.

(Ord. 349 §5.7, 1976).

10.04.140 - Twenty-minute parking.

Green curb marking means no standing or parking for a period of time longer than twenty minutes at any time.

(Ord. 349 §6, 1976).

10.04.150 - One-hour parking.

When authorized signs, parking meters, or curb markings have been determined by the city council to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park the vehicle between the hours of nine a.m. and six p.m. of any day except Sundays and holidays for a period of time longer than one hour.

(Ord. 349 §6.1, 1976).

10.04.160 - Two-hour parking.

When authorized signs, parking meters, or curb markings have been determined by the city council to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park the vehicle between the hours of nine a.m. and six p.m. of any day except Sundays and holidays for a period of time longer than two hours.

(Ord. 349 §6.2, 1976).

10.04.170 - Parking space markings.

- A. The city council is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted, including areas for angle parking.
- B. When such parking space markings are placed on the highway and streets subject to other and more restrictive limitations, no vehicle shall be stopped, left standing, or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

(Ord. 349 §6.3, 1976).

10.04.180 - No stopping zones.

- A. The city council shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited.
- B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to stop the vehicle on any of the streets or parts of streets established by resolution of the council as no stopping zones.

(Ord. 349 §6.4, 1976).

10.04.190 - Loading zones—Generally.

- A. The city council is authorized to determine and to have marked loading zones and passenger loading zones as follows:
 - 1. At any place in the business district;
 - 2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.
- B. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.
- C. Loading zones shall be indicated by yellow paint upon the top of all curbs within such zones.
- D. Passenger loading zones shall be indicated by white paint upon the top of all curbs in said zones.

(Ord. 349 §7, 1976).

10.04.200 - Parking or standing regulations—Curb markings.

The city council is authorized, subject to the provisions and limitations of this chapter, to place, and when required in this chapter shall place, the following curb markings to indicate parking or standing regulations, and the curb markings shall have the meanings as set forth in this section:

- A. "Red" means no stopping, standing, or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed by a bus zone.
- B. "Yellow" means no stopping, standing, or parking at any time between seven a.m. and six p.m. of any day except Sundays and holidays for any purposes other than the loading or unloading of passengers or materials; provided, that the loading or unloading of passengers shall not consume more than three minutes nor the loading or unloading of materials more than twenty minutes.

- C. "White" means no stopping, standing, or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mail box, which shall not exceed three minutes and such restrictions shall apply between seven a.m. and six p.m. of any day except Sundays and holidays and except as follows:
1. When such zone is in front of a hotel or in front of a mailbox, the restrictions shall apply at all times;
 2. When such zone is in front of the theater, the restrictions shall apply at all times except when such theater is closed.
- D. When the city council as authorized under this chapter has caused curb markings to be placed, no person shall stop, stand, or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

(Ord. 349 §7.1, 1976).

10.04.210 - Loading or unloading—Materials.

Permission granted in this chapter to stop or stand a vehicle for purposes of loading or unloading of materials shall apply only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than twenty minutes.

(Ord. 349 §7.2, 1976).

10.04.220 - Loading or unloading—Yellow zone.

No person shall stop, stand, or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or materials for such time as is permitted in Section 10.04.220.

(Ord. 349 §7.3, 1976).

10.04.230 - Loading or unloading—Passengers.

No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in Section 10.04.220 of this chapter.

(Ord. 349 §7.4, 1976).

10.04.231 - Repairing or greasing vehicles on public streets.

No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled, any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street.

(Ord. 416 §2, 1978).

10.04.240 - Violation—Penalty.

Any person violating any of the provisions of this chapter shall be guilty of an infraction. Any person who shall be convicted of the violation of this chapter shall be deemed guilty of an infraction and shall be

punishable by a fine not exceeding fifty dollars for the first offense, one hundred dollars for the second offense within six months and two hundred fifty dollars for the third offense within one year.

(Ord. 416 §3, 1978; Ord. 349 §8, 1976).

Chapter 10.08 - SPEED LIMITS²²

Sections:

Footnotes:

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For statutory provisions authorizing cities to increase speed limits, see Vehicle Code §22357.

10.08.010 - Established on certain streets.

Pursuant to Section 22357 of the Vehicle Code, the city council determines, upon the basis of an engineering and traffic survey, that a speed greater than twenty-five miles per hour, thirty miles per hour and forty miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon the following described streets of the city, as follows:

- A. On that portion of Firebaugh Avenue from Kaweah Avenue to Belmont Avenue, the prima facie speed shall be thirty miles per hour.
- B. On that portion of Chestnut Street from Kaweah Avenue to Orange Avenue, except when passing Lincoln School while children are crossing the street, the prima facie speed shall be thirty miles per hour.
- C. On that portion of Rocky Hill Drive from the east city limit to Kaweah Avenue, the prima facie speed shall be thirty miles per hour.
- D. On that portion of Palm Street from Kaweah Avenue to "G" Street, the prima facie speed shall be thirty miles per hour.
- E. On that portion of Visalia Road ~~from and~~ Belmont Avenue to Orange Avenue, the prima facie speed shall be forty miles per hour.

(Ord. 337 §1, 1976).

10.08.020 - Exception.

The provisions of this chapter shall not apply to any twenty-five miles per hour prima facie limit which is applicable when passing a school building or the grounds thereof.

(Ord. 337 §2, 1976).

Chapter 10.12 - U-TURNS²³

Sections:

Footnotes:

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For statutory provisions authorizing local authorities to prohibit the making of any turning movement at any intersection, see Vehicle Code §22113.

10.12.010 - Prohibited at certain intersections.

It is unlawful for the operator of any motor vehicle to make a U-turn at any of the following street intersections in the city:

- Pine Street and Kaweah Avenue
- Pine Street and B Street
- ~~Pine Street and C Street~~
- ~~Pine Street and Rocky Hill Drive~~
- Pine Street and D Street
- Pine Street and E Street
- Pine Street and F Street
- Pine Street and G Street
- Pine Street and H Street
- Pine Street and Filbert Avenue
- Pine Street and Quince Avenue
- Pine Street and Orange Avenue.

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(Ord. 288 §1, 1972).

10.12.020 - Applicability.

The prohibition contained in this chapter applies regardless of the direction in which a motor vehicle is traveling when it approaches the intersection.

(Ord. 288 §2, 1972).

10.12.030 - Violation—Penalty.

Every person, association or corporation who violates any of the provisions of this chapter shall be guilty of an infraction punishable as prescribed in Section 1.12.030 of this code.

(Ord. 421 §2, 1980; Ord. 288 §3, 1972).

Chapter 10.16 - ONE-WAY STREETS AND ALLEYS^[4]

Sections:

Footnotes:

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For statutory provisions on designation of one-way streets, see Vehicle Code §21657.

10.16.010 - Certain alley designated.

The alley running from northwest to southeast in each of Blocks 20, 28, 29, 40 and 41 of the city, as per the official map or plat of the city now on file and of record in the office of the county recorder is designated as a one-way alley; and all vehicles on any such alley in any one of the five blocks shall be moved only from the northwest to the southeast by the person driving or operating the same or in charge thereof while the same is moving over any such alley.

(Ord. 602 §1 (part), 2003; Ord. 158 §1, 1948).

10.16.020 - Direction.

No person driving or operating any vehicle or in charge of the same, shall cause or permit any such vehicle to enter any of the alleys designated in Section 10.16.010, except from the north end of such alley.

(Ord. 158 §2, 1948).

10.16.030 - Signs.

There shall be erected at the north entrance to each of the five alleys mentioned in Section 10.16.010, a sign upon which shall appear the words "One Way ~~Do Not Enter~~," and there shall be erected at the south end of each of the five alleys a sign upon which shall appear the words "Exit Only Do Not Enter." Such signs shall comply with the provisions of the Vehicle Code as to size and color.

(Ord. 602 §1 (part), 2003; Ord. 158 §3, 1948).

10.16.040 - Further description.

The five alleys made subject to the provisions of this chapter are further described as the alley running from northwest to southeast from Palm Street to Maple Street between; and parallel with, C Street and D Street in Block 20, the alley running from northwest to southeast from Palm Street to Pine Street between; and parallel with, D Street and E Street in Block 28, the alley running from northwest to southeast from Pine Street to Maple Street between, and parallel with, D Street and E Street in Block 29; the alley running from northwest to southeast from Pine Street to Maple Street between, and parallel with, E Street and F Street in Block 40; and the alley running from Northwest to Southeast from Palm Street to Pine Street between, and parallel with, E Street and F Street in Block 41.

(Ord. 602 § 1 (part), 2003; Ord. 158 § 4, 1948).

10.16.050 - Violation—Penalty.

Every person, association or corporation who violates any of the provisions of this chapter shall be guilty of an infraction, punishable as prescribed in Section 1.12.030 of this code.

(Ord. 421 § 4, 1930; Ord. 158 § 5, 1948).

Chapter 10.20 - ILLEGAL PARKING AREAS*

Sections:

* For statutory provisions on local parking regulations, see Vehicle Code § 22506 et seq.; for provisions on stopping, standing and parking generally, see Vehicle Code § 22500 et seq.

10.20.010 - Purpose—Interpretation.

This chapter is adopted for the purpose of preventing situations and conditions which are detrimental to the welfare of the city and shall, therefore, be strictly construed to prevent violators of the chapter from escaping legal penalties.

(Ord. 275 § 5, 1970).

10.20.020 - Definition.

For the purpose of this chapter, "motor vehicle" includes but is not limited to automobiles, whether built for transportation, passengers or for any other purpose, and motorcycles or motorbikes.

(Ord. 275 § 1, 1970).

10.20.030 - Areas designated.

It is unlawful for any person to park a motor vehicle or to permit to be parked a motor vehicle at any time between eleven p.m. and five a.m. in any of the following described areas in the city:

- A. Area No. 1. Anywhere on either side of East Pine Street or West Pine Street between Kaweah Avenue and Filbert Avenue except that portion thereof between E Street and H Street.
- B. Area No. 2. Anywhere on either side of Rocky Hill Drive between East Pine Street and Kaweah Avenue.
- C. Area No. 3. Anywhere on either side of South B Street between East Pine Street and Rocky Hill Drive.
- D. Area No. 4. Anywhere on the side of the street adjacent to Block 68 of the city as per map recorded in Book 2, page 52 of Maps of Tulare County, California. This block is triangular in shape and generally known as "Schelling Park," and the area in which parking is prohibited is as follows: The northwest side of North H Street between West Pine Street and Filbert Avenue; the east side of North Filbert Avenue adjacent to Block 68; and the north side of West Pine Street between North H Street and Filbert Avenue.
- E. Area No. 5. Anywhere on the north side of West Palm Street between North G Street and Filbert Avenue; the east side of North Filbert Avenue between West Palm Street and Visalia Road; and the southwest side of Visalia Road and North G Street between West Palm Street and North Filbert Avenue.
- F. Area No. 6. Anywhere on the side of a street adjacent to Block 31 of the city as per map recorded in Book 2, page 52 of Maps of Tulare County, California. This block is known as "City Park," and the area in which parking is prohibited is as follows: The west side of South D Street between East Chestnut Street and East Cedar Street; the south side of East Chestnut Street between South D Street and South E Street; the north side of East Cedar Street between South D Street and South E Street; and the east side of South E Street between East Chestnut Street and East Cedar Street.
- G. Area No. 7. Anywhere on the side of the street adjacent to Block 2 of the city. The area in which parking is prohibited is as follows: The west side of Kaweah Avenue along the easterly side of

the block; the south side of the block; the east side of North A Street between the southerly end of the block and the south side of East Palm Street; and the northerly side of the block between North A Street on the west and Kaweah Avenue on the east.

- H. Area No. 8. Anywhere adjacent to that portion of Block 4 of the city lying east of the alleyway extending from north to south in the block. The area in which parking is prohibited is as follows: The west side of Kaweah Avenue between East Pine Street and Rocky Hill Drive; the portion of East Pine Street lying on the north side of the property; and the alleyway extending through the block from the north side of Rocky Hill Drive to the south side of East Pine Street.
- I. Area No. 9. Anywhere on a side of a street adjacent to Block 3 of the city. This is a small triangular block. The area in which parking is prohibited is as follows: The west side of Kaweah Avenue south of East Maple Street; the south side of East Maple Street between South B Street and Kaweah Avenue; and the east side of South B Street which is south of East Maple Street.
- J. Area No. 10. Anywhere on a side of a street adjacent to that irregular quadrangle bounded on the south by Visalia Road, on the east by North G Street extension, and on the west by North Filbert Avenue. The area in which parking is prohibited is ~~the west side of North G Street extension~~, north of Visalia Road and adjacent to said quadrangle; the north side of Visalia Road between North G Street extension and Filbert Avenue; and the east side of Filbert Avenue from Visalia Road to the northern end of said quadrangle.
- K. Area No. 11. Anywhere on any street or alley or property owned by the city or property adjacent to any such street or alley or property which is posted with a sign or signs as provided in this chapter.

(Ord. 422 § 1, 1980; Ord. 275 § 2, 1970).

10.20.031 - Areas designated—Eight a.m. to five p.m.

It is unlawful for any person to park a motor vehicle or to permit to be parked a motor vehicle at any time between eight a.m. and five p.m., Monday through Friday in any of the following designated areas of the city:

- A. Area No. 1. Anywhere on the south side of Rocky Hill Drive between Kaweah Avenue and First Street.

(Ord. 421 § 1, 1980).

10.20.032 - Areas designated—Two-thirty a.m. to four-thirty a.m.

It is unlawful for any person to park a motor vehicle or to permit to be parked a motor vehicle at any time between the hours of two-thirty a.m. and four-thirty a.m. of the same day in any of the following designated areas of the city:

- A. Area No. 1. Anywhere on either side of East Pine Street or West Pine Street between E Street and H Street.

(Ord. 422 § 2, 1980).

10.20.033 - Parking in alleyways prohibited.

No person shall stop, stand or park any vehicle in any city alleyway except:

- A. Where necessary to avoid conflict with other traffic;
- B. For no longer than three minutes for the purpose of taking on or discharging passengers;
- C. For no longer than thirty minutes for the purpose of loading/unloading materials; or

D. Where directed by police officer, sign, signal or for an emergency break down.

All vehicles legally stopped, standing or parked pursuant to this section shall be so stopped, standing or parked facing the proper direction for legal traffic in such alleyway, and on the right side thereof. No such vehicle shall be stopped, standing or parked in a manner that would unreasonably impede or obstruct traffic or city services.

(Ord. 650 § 1, 2008).

10.20.040 - Occupying certain vehicles unlawful.

It is unlawful for any person to occupy or sit or stand upon any motor vehicle which is illegally parked according to the provisions of this chapter, except entering the vehicle for the purpose of promptly removing, and actually removing, the vehicle to a place where the parking of the car is not prohibited by the provisions of this chapter.

(Ord. 275 § 3, 1970).

10.20.050 - Exceptions.

The only exceptions apply to an employee of the city who is in the performance of his duties and to a person or organization which has a written permit issued by the [Public Works Department](#)~~city-clerk~~.

(Ord. 275 §4, 1970).

10.20.060 - Signs-Posting.

The city council shall by resolution instruct the [Public Works Department](#)~~chief-of-police~~ to post and maintain appropriate signs on all of the areas referred to in this chapter, including those referred to as "Area No. 11."

(Ord. 275 §7, 1970).

10.20.070 - Signs-Maintenance.

The [Public Works Department](#)~~chief-of-police~~ shall maintain signs on all of the illegal parking areas which briefly give notice of the illegality of parking at certain times.

(Ord. 275 §8, 1970).

10.20.080 - Violation-Penalty.

Every person, association or corporation who violates any of the provisions of this chapter shall be guilty of an infraction, punishable as prescribed in Section 1.12.030 of this code.

(Ord. 421 §3, 1980; Ord. 275 §6, 1970).

Chapter 10.24 - PARKING OF MOTOR VEHICLES⁵¹

Sections:

Footnotes:

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For statutory provisions on local parking regulations, see Vehicle Code §22506 et seq.; or provisions on stopping, standing and parking generally, see Vehicle Code §22500 et seq.; for provisions regarding the standing or parking of peddlers or vendors, see §5.36.010 of this code.

10.24.010 - Parking in certain alley unlawful-Penalty.

- A. It is unlawful to park a motor vehicle in any alley in the area designated in subsection B of this section; provided, however, that it shall be lawful for a commercial vehicle to park in any alley in such district at such times as it is actually being loaded or unloaded.
- B. The area of the city to which this section is applicable is described as follows:

Block 20 excepting therefrom Lots 9 to 24 inclusive, Block 21 excepting therefrom Lots 1 to 8 and Lots 29 to 32 inclusive, Block 28, Block 29, Block 40, Block 41, Block 53, Block 57 excepting therefrom Lots 1 to 8 inclusive and Lots 25 to 32 inclusive, Block 58 excepting therefrom Lots 9 to 24 inclusive, Block 67 excepting therefrom Lots 9 to 21 inclusive, Fractional Block 68, that parcel of land bounded by Pine Street on the north, G Street on the west, Maple Street on the south and the Southern Pacific Railroad right-of-way on the east, Lots 9 to 24 inclusive in Block 10, that portion of Block 4 lying north of Rocky Hill Drive, Lots 1 to 8 inclusive and Lots 25 to 32 inclusive in Block 11.
- C. Every person, association, or corporation who violates any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed the sum of fifty dollars, or imprisoned in the county jail for a period of not to exceed twenty-five days, or by both such fine and imprisonment.

(Ord. 142 §§1, 2, 3, 1944).

10.24.020 - Parking on certain street unlawful-Penalty.

- A. It is unlawful for any person to park or to leave parked any motor vehicle, whether occupied or not, on the west side of First Street between Firebaugh Avenue and Cedar Street, otherwise than temporarily for the purpose of and while actually engaged in the loading or unloading of passengers.
- B. Every person, association or corporation who violates any of the provisions of this section is guilty of a misdemeanor. Upon conviction thereof, he shall be punishable by a fine not to exceed twenty-five dollars, or by imprisonment in the city jail or the county jail not to exceed five days, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this section occurs or continues constitutes a separate offense and, upon conviction thereof, shall be punishable as provided in this section.

(Ord. 267 §§1, 2, 1969).

10.24.030 - Use of streets for storage of vehicles prohibited.

- A. Any person who owns or has possession, custody, or control of any vehicle shall not park such vehicle upon any public street or alley for more than a consecutive period of seventy-two hours.
- B. No motor coach in excess of both twenty feet in length and seven feet in height, motor home, or vacation trailer; nor any horse trailer, automobile trailer, trailer house or coach, or utility trailer, as defined by the Exeter Municipal Code Sections 17.04.595, 17.04.600 and 17.04.615; nor any boats,

with or without a trailer, shall be parked or left standing upon any street in any residential district between the hours of two a.m. and six a.m.

- C. Vehicles described under subsection B of this section may be parked or left standing upon any street in any residential district between the hours of two a.m. and six a.m. under the following circumstances only:
1. For the purpose of loading or unloading, for two consecutive periods from two a.m. to six a.m. before and after a trip. The term "trip" does not refer to daily use of the vehicle, but instead refers to an extended, overnight use of the vehicle which requires additional time to prepare the vehicle. The term "loading and unloading" includes packing food, clothing and supplies and preparing the vehicle's refrigeration system, and unpacking the vehicle after the trip; or
 2. For the purpose of accommodating visitors who are traveling in the vehicle, or towing a boat, not to exceed three consecutive periods from two a.m. to six a.m.
- D. The term "residential district" shall mean any district designated RA, R or RM pursuant to Exeter Municipal Code Section 17.06.010.

(Ord. 587 §1, 1999: Ord. 566 §1, 1997: Ord. 409 §1, 1979).

Chapter 10.28 - PARKING OF TRUCKS

Sections:

10.28.010 - Unlawful parking.

It is unlawful to park or cause to be parked any commercial vehicle with an unladen weight of five thousand pounds or more on any street or alley, or any residential area including curbside, driveways, front yards, side yards, and rear yards in the city for any continuous period exceeding two hours, except as otherwise provided in this chapter, under 10.28.020 - Exceptions.

Definition: A commercial vehicle is described by the California Department of Motor Vehicles (DMV) per California Vehicle Code (CVC §260) A commercial vehicle, is a vehicle required to be registered which is used or maintained for the transportation of persons for hire, compensation, or profit or designed, used or maintained primarily for the transportation of property.

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Truck Tractor (CVC §655) A truck tractor is a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the vehicle weight and load drawn. As used in this section, "load" does not include items carried on the truck tractor in conjunction with the vehicle operation if the load carrying space for these items does not exceed 34 square feet. Truck tractors must always be registered as commercial vehicles, even if they have living quarters. The living quarters are secondary or incidental to the primary function of the vehicle, which is still drawing other vehicles.

A bus (CVC §233) is a commercial vehicle when it is used to transport persons for hire, compensation, or profit or when bus transportation is supplied by a profit-making entity and customer pays for the bus service as part of the overall consideration for the primary service.

Pickup (CVC §471) A pickup is a motor truck with a manufacturer's gross vehicle weight rating (GVWR) of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and equipped with an open box-type bed less than nine feet in length. California Code of Regulations, Title 13 §150.04 further defines pickup trucks. A pickup shall not be considered a commercial vehicle under this section, 10.28.010.

(Ord. 326 §1, 1975).

10.28.020 - Exceptions.

- A. The provisions set forth in Section 10.28.010 shall not apply to parking of vehicles at or along the curb or side of any street or alley which curb or side is in or adjacent to any area of the city which is zoned C-2 central commercial zone, C-3 commercial service zone, C-H highway commercial zone, M-1 light manufacturing zone, M-1-X exclusive light manufacturing zone, or M-2 heavy manufacturing zone, according to the provisions of Title 17 as in effect from time to time.
- B. There is excepted from the provisions set forth in Section 10.28.010 any vehicle which is being used for the loading or unloading of goods or cargo being received from or delivered to property in the block in which such vehicle is parked during such time as may be reasonably necessary to complete such loading or unloading.
- C. There is excepted from the provisions set forth in Section 10.28.010 any vehicle which is parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked, during such time as may be reasonably necessary to complete such service.

(Ord. 326 §1 (A, B, C), 1975).

10.28.030 - Violation—Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars.

(Ord. 391 §1, 1978; Ord. 326 §2, 1975).

Chapter 10.32 - PARKING ON CITY PROPERTY

Sections:

10.32.010 - Signs required.

Whenever the city administrator/public works director determines that the orderly efficient conduct of the city's business requires that parking or standing of vehicles on city property or property leased by the city shall be prohibited, limited or restricted, the city administrator/public works director shall have the power and authority to order signs to be erected or posted indicating that the parking of vehicles is thus prohibited, limited, or restricted.

(Ord. 346 §1, 1976).

10.32.020 - Violation—Penalty.

When signs authorized by the provisions of this section are in place giving notice thereof, it is unlawful for any person to park or stand any vehicle contrary to the directions or provisions of such signs. Any person violating any provision of this chapter shall be guilty of an infraction and upon conviction thereof shall be punished by a fine of not more than fifty dollars.

(Ord. 346 §4, 1976).

Chapter 10.36 - TRUCK ROUTE*

Sections:

10.36.010 - Established.

A truck route for loaded trucks and vehicles of three thousand pounds or more load capacity is established as follows:

- A. Visalia Road;
- B. Palm Street;
- C. Belmont Avenue;
- D. Highway #65;
- E. Firebaugh Avenue;
- ~~F. "A" Street between Kaweah Avenue, and Palm Street;~~
- G. ^{1st}, ^{2nd} and ^{3rd} Streets from Firebaugh Avenue to Rocky Hill Drive;
- H. Rocky Hill Drive between 2nd and 3rd Streets.

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(Ord. 359 §1, 1977).

10.36.020 - Requirements.

The city administrator or public works director/finance director shall have the routes designated in Section 10.36.010 marked and designated by appropriate signs directing truck traffic, after which any vehicle designated in Section 10.36.010 shall drive on such route and no other, except when it is impractical to do so or when it is necessary to traverse another street or streets to a destination for the purpose of loading or unloading, but then only by such deviation from the nearest truck route as is reasonably necessary.

(Ord. 359 §2, 1977).

10.36.030 - Restricted parking.

No commercial vehicle(s) shall be parked within one hundred feet of an intersection located within the specified truck route or commercial zone as defined in the Exeter Municipal Code, Section 10.28.020 of this title.

(Ord. 635 §1, 2006).

Chapter 10.40 - ABANDONED VEHICLES⁽⁶⁾

Sections:

Footnotes:

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For statutory provisions authorizing cities to provide for removal as public nuisances of abandoned, wrecked, dismantled or inoperative vehicles, see Vehicle Code §22661(e).

10.40.010 - Findings and declaration.

Pursuant to the determination made and the authority granted by the State Legislature under Section 22660 of the Vehicle Code of the state to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private and public property as public nuisances, the city council makes the following findings and declarations:

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 part thereof on private or public property, not including highways, except as expressly permitted in this chapter, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

(Ord. 318 §1, 1974).

10.40.020 - Scope.

This chapter 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 statutes and ordinances heretofore or hereafter enacted by the state, the city, or any other legal entity or agency having jurisdiction.

(Ord. 318 §4, 1974).

10.40.030 - Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

- A. "Administrative costs" means the costs to the city, and to the eCounty when acting on behalf of the city pursuant to an agreement, of performing the acts required under this chapter, except the actual removal of the vehicle. The eCity eCouncil may, from time to time by resolution, determine the administrative costs for the removal of each vehicle removed by the city if the vehicle is removed without a hearing pursuant to Section 10.40.090. When the acts required by this chapter are performed by the eCounty acting on behalf of the city, the administrative costs, if the vehicle is removed without a hearing, shall be that amount to be determined from time to time by the bBoard of eSupervisors to be the administrative costs of removal of abandoned vehicles from unincorporated areas of the county rather than the amount determined by the eCity eCouncil. In those cases in which the pPolice eChief conducts a hearing pursuant to Section 10.40.090, he shall fix and determine the administrative costs which shall be the actual cost of performing acts pertaining to the specific vehicle which is the subject of the hearing.
- B. "Cost of removal" means the actual cost to the city of having the vehicle removed. The eCity eCouncil may, from time to time, by resolution, determine the cost of removal.
- C. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" also includes streets.
- D. "Public property" does include "highway."
- E. "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. "Vehicle" also includes any part or portion of a vehicle which is less than a whole vehicle, and all of the provisions of this chapter apply to a part or portion of a vehicle which is less than a whole vehicle.

(Ord. 519 §1, 1992; Ord. 329 §1, 1975; Ord. 318 §2, 1974).

10.40.040 - Exceptions.

- A. This chapter shall not apply to either of the following:
1. A vehicle which is completely enclosed within a building in a lawful manner so that it is not visible from the street or other public or private property;
 2. A vehicle which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.
- 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 11 of the Vehicle Code of the state and this chapter.

(Ord. 318 §3, 1974).

10.40.050 - Voluntary removal—Administrative procedures.

If it appears to the Chief of Police that an abandoned, wrecked, dismantled, or inoperative vehicle is located on private or public property, he may follow such administrative procedures to secure voluntary removal of such vehicle as appear advisable in each individual case prior to giving a notice of intention to abate pursuant to Section 10.40.060 of this chapter.

(Ord. 318 §7, 1974).

10.40.060 - Intention to abate—Notice.

If the Chief of Police cannot secure voluntary removal of the vehicle, pursuant to Section 10.40.050, he shall give written notice of intention to abate and remove the vehicle. The 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 written statement denying responsibility for the presence of the vehicle on the land with the reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by certified 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 of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(Ord. 318 §8, 1974).

10.40.070 - Abatement and removal—Request for hearing.

The registered or legal owner of the vehicle or the owner of the land on which the vehicle is located may request a hearing on the question of abatement and removal of the abandoned, wrecked, dismantled, or inoperative vehicle and on the question of assessment of the administrative costs and cost of removal against the property on which it is located. Such request for a hearing shall be in writing and shall be filed with the Chief of Police not more than ten days after the date on which the notice of intention described in Section 10.40.060 was mailed by the Chief of Police. If the owner of the land on which the vehicle is located files with the Chief of Police a sworn statement denying responsibility for the presence of the vehicle on his land within the ten-day period, the statement shall be construed as a request for a hearing which does not require the presence of the owner submitting such request.

(Ord. 318 §9, 1974).

10.40.080 - Failure to request hearing—Removal—Costs.

If no hearing is requested within the time limit specified in Section 10.40.070, the chief of police shall cause the vehicle to be removed and taken to a junkyard, automobile dismantling yard, or refuse disposal site. Except as otherwise provided in Section 10.40.070, when no hearing has been requested, the owner shall be required to pay the administrative costs as determined by the City Council or the Board of Supervisors, and the cost of removal as determined by the City Council in accordance with Section 10.40.030. The chief of police shall send a request for payment of the costs to the owner of the property by regular mail, and if he does not pay the costs within thirty days after the date on which the letter was mailed, the procedure set forth in subsection C of Section 10.40.160 shall be followed.

(Ord. 329 §2, 1975; Ord. 318 §10, 1974).

10.40.090 - Request for hearing—Notice.

If a public hearing has been requested in accordance with the provisions of Section 10.40.070, a public hearing shall be held on the question of abatement and removal of a vehicle and the assessment of the administrative costs and cost of removal against the property on which it is located. The chief of police shall cause notices of the time and place of the hearing to be sent by regular mail to the owner of the land as shown on the last equalized county assessment roll, and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices shall be mailed at least ten days before the date of the hearing.

(Ord. 318 §11, 1974).

10.40.100 - Hearing—Procedure.

The public hearing under this chapter shall be conducted by the chief of police. The chief of police shall hear all pertinent evidence offered by all interested persons, including testimony on the condition of the vehicle and the circumstances concerning its location on private property or public property. The technical rules of evidence shall not be applicable to the hearing. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement for consideration at the hearing. The owner of the land may deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

(Ord. 318 §12, 1974).

10.40.110 - Hearing—Decision by chief of police.

- A. At the conclusion of the public hearing, the chief of police may find that a vehicle 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 chapter. He may also determine the amount of the administrative costs, in accordance with Sections 10.40.030 and 10.40.150, and may determine that all or a portion of the administrative costs and the cost of removal are to be charged against the owner of the land on which the vehicle is located.
- B. If it is determined by the chief of police that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the chief of police shall not assess administrative costs or the cost of removal of the vehicle against the owner

of the land on which the vehicle is located or otherwise attempt to collect such costs from such landowner.

- C. The eCChief of pPpolice may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purposes of this chapter. He may delay the time for removal of the vehicle if, in his opinion, the circumstances justify it.
- D. The eCChief of pPpolice shall give written notice of his decision to all of the interested persons to whom the notice of hearing was mailed.

(Ord. 329 §3, 1975; Ord. 318 §13, 1974).

10.40.120 - Removal.

- A. At any time after the eCChief of pPpolice orders an abandoned, wrecked, dismantled, or inoperative vehicle to be removed, pursuant to Section 10.40.110, any interested party may cause such vehicle to be removed. If the eCChief of pPpolice has assessed administrative costs and the cost of removal against the property on which the vehicle is located, and the vehicle is voluntarily removed without cost to the eCity, only the administrative costs shall thereafter be collected from the owner of the land.
- B. If no appeal has been filed and the vehicle has not been removed within ten days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the eCChief of pPpolice was mailed to the interested parties, the eCChief of pPpolice shall cause the vehicle to be removed and taken to a junkyard, automobile dismantling yard, or refuse disposal site.
- C. If an appeal has been filed and the vehicle has not been removed within ten days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the city council was mailed to the interested parties, the eCChief of pPpolice shall cause the vehicle to be removed and taken to a junkyard, automobile dismantling yard, or refuse disposal site.

(Ord. 318 §15, 1974).

10.40.130 - Removal—Reconstruction of vehicle.

After a vehicle has been removed, it shall not be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, in which case the vehicle may be reconstructed or made operable.

(Ord. 388 §1, 1978; Ord. 318 §16, 1974).

10.40.140 - Removal—Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle pursuant to the provisions of this chapter, the eCChief of pPpolice shall give notice of the removal to the Department of Motor Vehicles of the state identifying the vehicle removed and transmit to the Department any evidence of registration available, including but not limited to registration certificates, certificates of title and license plates.

(Ord. 318 §17, 1974).

10.40.150 - Removal—Costs—Collection.

- A. If the eCChief of pPpolice has caused the vehicle to be removed from the property, and he has assessed administrative costs and the cost of removal against the owner of the property on which

the vehicle is located, he shall mail a notice to the owner of the property of the total costs to be paid by the owner of the property.

- B. If any interested party has caused the vehicle to be removed from the property without cost to the eCity, and the eChief of pPolice has previously assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, the eChief of pPolice shall mail a notice to the owner of the property of the administrative costs to be paid by the owner of the property.
- C. If the costs referred to in subsections A and B of this section are not paid within thirty days after the date on which the notice referred to therein is mailed to the owner of the property, the eCity eCouncil may direct the eCounty aAuditor to place the unpaid costs on the eCity tax roll as a special assessment against the property pursuant to Section 38773.5 of the Government Code of the state. The assessment shall be collected at the same time and in the same manner as ordinary eCity 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 eCity taxes. All laws applicable to the levy, collection and enforcement of eCity taxes shall be applicable to such special assessment.

(Ord. 318 §18, 1974).

10.40.160 - Costs—Payment by state.

- A. The eCity eCouncil may, from time to time, enter into agreements with the sState, through the California Highway Patrol, or such other agency of the sState as shall be designated by the sState, providing that the Sstate shall pay all or any portion of the administrative costs. The Ceity Ceouncil may from time to time determine by resolution whether such payment agreed upon is sufficient to pay all or only a portion of the costs of administration.
- B. Whenever the eCity has entered into an agreement with the eCounty for the performance by the eCounty of such acts as under this chapter may be delegated to the eCounty, the eCounty may contract with the Sstate for the payment to the eCounty of such administrative costs for the removal of vehicles removed within the eCity. In such case if the eCounty makes a determination whether payments received from the sState for removal of abandoned vehicles are sufficient to pay all or only a portion of the administrative cost, that determination shall apply also to payments of administrative costs of removal of vehicles within the eCity.
- C. Except where administrative costs are determined by the eChief of pPolice at a hearing, the amount assessed against an owner of land pursuant to Sections 10.40.110 and 10.40.150 shall be limited to the portion of the administrative cost found to be not covered by such an agreement with the Sstate and the cost of removal. This limitation on the assessment shall apply to all cases assessed while such a resolution is in effect. However, said limitation shall not apply to cases in which the written notice of intention to remove was mailed prior to the effective date of the resolution and the resolution increases the amount to be assessed-~~assessible~~assessable.
- D. Any cost of removal incurred shall be paid by the eCity out of its general fund.

(Ord. 329 §4, 1975; Ord. 318 §18.5, 1974).

10.40.170 - Administration and enforcement.

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the eChief of pPolice and the employees in his department or other persons authorized by him to administer and enforce this chapter. The eCity eCouncil may by agreement transfer enforcement of this chapter to the eCounty. The county offices to whom the enforcement is so transferred shall enjoy the rights and perform the duties of the CeChief of pPolice created by this chapter. No such agreement shall effect the duty of the eChief of Ppolic to conduct the hearing prescribed by Section 10.40.100.

(Ord. 318 §5, 1974).

10.40.180 - Entering property.

- A. The Chief of Police, the employees in his department and other persons authorized by him or a county officer authorized by agreement to enforce this chapter, and persons authorized by him, may enter upon private or public property to examine a vehicle and to obtain information as to the ownership and identity of a vehicle when enforcing this chapter.
- B. If the City enters into a contract with any person to remove or cause the removal of vehicles which have been declared to be public nuisances pursuant to this chapter, such person may enter upon private or public property to remove such vehicles.
- C. Every person is guilty of a misdemeanor who in any way denies, obstructs or hampers the entrance of the persons mentioned in this section upon private or public property to carry out the aforementioned duties or who denies, obstructs or hampers the performance of such duties by such persons after they have entered the property.

(Ord. 318 §6, 1974).

Chapter 10.44 - VEHICLES ON PRIVATE PROPERTY⁽²⁾

Sections:

Footnotes:

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For statutory provisions on removal of vehicles from private property, see Vehicle Code §22658 et seq

10.44.010 - Driving or parking unlawful.

It is unlawful for any person to drive or park a vehicle upon privately owned property without the express or implied permission of the owner or lawful occupant of the property.

(Ord. 258 §1, 1967).

10.44.020 - Departing from or entering vehicle unlawful.

It is unlawful for any person, with the exceptions expressed in this chapter, to depart from or enter a vehicle which is unlawfully parked upon privately owned property.

(Ord. 258 §2, 1967).

10.44.030 - Exception.

If any private property is normally used for the parking of vehicles in connection with the operation of a business upon the property or adjacent property, there is implied permission to use the property for such purpose by persons patronizing the business, but only during the time that the business is open to the public and for a period of fifteen minutes before the business is open to the public and for a period of fifteen minutes after the business has been closed to the public. However, this implied permission

extends only to persons who are actually patronizing the business, and for the time the persons are so patronizing the business.

(Ord. 258 §3, 1967).

10.44.040 - Removal.

The owner or person in lawful possession of any private property may request any officer of the police department to cause the removal, or, subsequent to giving notice to the police department, such owner or person in lawful possession may himself cause the removal of the vehicle parked on such property to the nearest public garage or other place of safety if there is displayed in plain view on the property a sign prohibiting public parking. When the person causing the removal of such vehicle is not an officer of the police department, such person shall comply with the requirements of Sections 22852 and 22853 of the Vehicle Code of the state relating to notice in the same manner as shall an officer of the police department when removing a vehicle from private property.

(Ord. 258 §4, 1967).

10.44.050 - Removal—Charges.

The owner or person having the right to possession of any vehicle removed pursuant to this section shall pay all such removal, towing and storage charges before he shall be entitled to regain possession of such vehicle.

(Ord. 258 §5, 1967).

10.44.060 - Violation—Penalty.

Every person, association, or corporation who violates any of the provisions of this chapter is guilty of a misdemeanor. Upon conviction thereof, he shall be punishable by a fine not to exceed one hundred fifty dollars, or by imprisonment in the city jail or the county jail not to exceed thirty days, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this chapter occurs or continues constitutes a separate offense and, upon conviction thereof, shall be punishable as provided in this chapter.

(Ord. 258 §6, 1967).

~~Chapter 10.48—BICYCLE LICENSING⁽⁸⁾~~

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~~Sections:~~

~~Footnotes:~~

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~~For statutory provisions on bicycle licensing, see Vehicle Code §§39000 et seq., for provisions on local regulation of bicycles, see Vehicle Code §§21206 and 21207.~~

~~10.48.010 License—Required.~~

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It is unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, alleys, or public highways of the city, without first obtaining from the city a license therefor.

(Ord. 230 §1, 1963).

~~10.48.020 License—Application—Issuance.~~

The police department is authorized and directed to issue upon written application, bicycle licenses which shall be effective from January 1st of one year, to December 31st of the following year, commencing with the year 1963.

(Ord. 376 §1, 1978; Ord. 348 §1, 1976; Ord. 230 §2, 1963).

~~10.48.030 License plate and registration card.~~

The city shall provide for each licensed bicycle a license plate or gummed tab, together with a registration card, the license plate and registration card having a number stamped thereon indicating the year for which the same is issued, and the word "EXETER" stamped thereon. Such license plates and tabs shall be suitable for attachment upon the frames of bicycles, and it shall be the duty of the police department to attach one such license plate to the frame of each bicycle and to issue a corresponding registration card to the licensee. Such license plate shall remain attached during the existence of such license. The police department shall keep a record of the date of issue of each license, to whom issued, and the number thereof, and the serial number of the bicycle. If a bicycle has no legible serial number, an identification number shall be stamped into the frame of the bicycle by the police department. If any license plate or registration card is lost, the licensee shall, within five days, report such fact and obtain a new one, the fee for which shall be twenty five cents.

(Ord. 376 §2, 1978; Ord. 348 §2, 1976; Ord. 230 §3, 1963).

~~10.48.040 License plate and registration card—Removal, destruction, or alteration.~~

It is unlawful for any person to remove, destroy, mutilate, or alter any license plate, tab or registration card during the time in which such license plate, tab or registration card is operative; provided, however, that nothing in this chapter shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which the number is illegible or insufficient for identification purposes.

(Ord. 376 §3, 1978; Ord. 348 §4, 1976; Ord. 230 §7, 1963).

~~10.48.050 License—Fee.~~

The license fee for each bicycle shall be three dollars, which shall be for three years and shall be paid in advance. In the case of the licensing of a bicycle acquired or brought into the city after March 31st, the license fee shall be prorated on a calendar year quarterly basis. All license fees and penalties collected under this chapter shall be deposited in the General Fund of the city.

(Ord. 348 §3, 1976; Ord. 298 §1, 1973; Ord. 230 §4, 1963).

~~10.48.060 Business of buying or selling bicycles.~~

All persons engaged in the business of buying secondhand bicycles are required to make reports to the police department, giving the name and address of the person from whom each bicycle is purchased, the frame number thereof, and the number of the license plate or tab found thereon, if any. Such report shall be delivered within twenty-four hours of such purchase. All persons engaged in the business of selling new or secondhand bicycles are required to make reports to the police department, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description and frame number thereof, and the number of the license plate or tab attached thereto, if any. Such report shall be made within twenty-four hours of such sale.

(Ord. 230 §5, 1963).

10.48.070 — Sale or transfer of ownership.

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It shall be the duty of every person who sells or transfers ownership of any bicycle, to report such sale or transfer by returning to the fire department the registration card issued to such person as licensee thereof, together with the name and address of the person to whom the bicycle was sold or transferred, and such report shall be made within five days of the date of the sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefor within five days of the sale or transfer.

(Ord. 230 §6, 1963).

10.48.080 — Violation — Penalty.

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Every person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of an infraction, and upon conviction shall be punishable by a fine of not more than one hundred dollars. In addition to the penalty set forth in this section, the police department, or any of the members thereof, may impound and retain possession of any bicycle operated in violation of any of the provisions of this chapter, and retain possession of the same until the license provided for in this chapter is obtained by the owner of the bicycle.

(Ord. 376 §4, 1978; Ord. 230 §8, 1963).

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Chapter 10.52 — BICYCLE USE

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Sections:

10.52.010 — Prohibited in certain places.

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It is unlawful for any person to ride a bicycle on property owned or leased or operated by the city or any other public agency, or upon property not owned by him or a member of his family (without the permission of the owner) or in a car parking lot or in an area legally used by pedestrians including but not limited to areas used by pedestrians approaching or leaving an entrance to a place of business. Nothing contained in this chapter shall be construed as a prohibition against riding bicycles on public streets and alleys.

(Ord. 231 §1, 1962).

10.52.020 — Restrictions — Bicycle racks.

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It is unlawful for any person to leave any skate or toy wagon or coaster within a sidewalk area; and it is unlawful to leave any ~~cannot read~~ bicycle or tricycle within any sidewalk area, except in a special rack designed for the same; provided, that if there is no such rack within a distance of one hundred feet, such bicycle or tricycle may be parked upright, close to and approximately parallel with the sidewalk area edge adjacent to a road.

(Ord. 231 §3, 1962).

10.52.030 – Impoundment.

The violation of Section 10.52.020 is declared to be a public nuisance, and authority is given to the police department to remove such bicycle or other object and take it to police headquarters and there impound it. Such bicycle or other object shall be released upon payment of a fee of fifty cents, except that in the case of an unlicensed bicycle the fee shall be one dollar, and such bicycle shall not be released until the bicycle is properly licensed. All such fees collected shall be paid into the ~~General Fund~~ of the ~~e~~City.

(Ord. 231 §4, 1962).

10.52.040 – Violation Penalty.

Every person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not more than twenty-five dollars, or by imprisonment for not more than five days, or by both such fine and imprisonment.

(Ord. 231 §5, 1962).

Chapter 10.56 - TRANSPORTATION DEMAND MANAGEMENT PROGRAM

Sections:

10.56.010 - Purpose.

The purpose of this chapter is to improve ambient air quality by reducing air pollutant emissions that result from vehicle commute trips to worksites with one hundred or more employees by increasing the average vehicle ridership (AVR).

(Ord. 535 §1(part), 1994).

10.56.020 - Adoption.

The ~~e~~City adopts the San Joaquin Valley Unified Air Pollution Control District's Rule 9001 (Commute Based Trip Reduction) and Rule 3130 (Rule 9001 Plan Review Fees) by reference, as may be amended by said ~~b~~Board from time to time.

(Ord. 535 §1(part), 1994).

Chapter 10.60 - VEHICLE REPAIR, PARKING AND STORING

Sections:

10.60.010 - Vehicle repair, parking and storing.

- A. No person shall park, store, place, or allow to remain on front yards, side yards, back yards, parking strips, planting strips, sidewalks, curbs, or on any street, any vehicle incapable of movement under its own power, or any disabled motor vehicle whether capable of movement or not, motor vehicle parts, equipment, machinery, tools, or other similar materials of any kind, or greases, oils, paints, or their containers, for a period of more than seventy-two hours in any thirty-day period. Said vehicles shall include but not be limited to destruction derby cars or similar automobiles.
- B. No person shall construct, reconstruct, disassemble, repair, or service any motor vehicle, motorcycle, boat, household appurtenance, upon any residential yards between ten p.m. and seven a.m. if a nuisance is created. No person shall do any such work, or allow work to be done, in any front yard at any time, except for emergency work, which does not extend over a period of two hours. The burden of showing that the work was emergency work shall be upon the person charged with violations of this subsection.
- C. No person shall store or park any vehicle in any yard, driveway, or street of the city in any residential district for a continuous period of more than seventy-two hours in any thirty-day period, except: (1) in a properly permitted and entirely enclosed space or carport, or (2) in a rear yard enclosed by not less than a five-foot solid fence or wall, or (3) in a front yard improved driveway but no closer than three feet of any garage door opening and no closer than five feet of any side yard property line, so long as screening by shrubs and/or trees is provided along the side yard property line sufficient to mitigate the visual impact of the vehicle on adjacent property.
- D. In any residential district, there shall be no parking, storage, or other similar uses within required front yard landscaped areas.
- E. For purpose of this section, the terms "yard," "driveway," and "street" do not include a ten feet area adjacent to and behind the curb, in areas improved with curbs, and adjacent to and behind the edge of the pavement, in areas with no curbs. Parking and storage of vehicles within the said ten feet area shall be prohibited.

(Ord. 642 § 1, 2006).

ORDINANCE 696

AN ORDINANCE OF THE CITY OF EXETER, STATE OF CALIFORNIA, AMENDING AND RESTATING TITLE 10, CHAPTERS 10.04 THROUGH 10.60 OF THE CITY EXETER CODE OF ORDINANCES (MUNICIPAL CODE), MAKING TECHNICAL CORRECTIONS, ELIMINATING CHAPTERS 10.48 and 10.52 (BICYCLE LICENSING AND USE), FURTHER DEFINING “COMMERCIAL VEHICLE,” AND RESTRICTING PARKING OF SAID VEHICLES

WHEREAS, the Charter of the City of Exeter and the applicable provisions of the State Vehicle Code authorize the City to regulate certain aspects of traffic including but not limited to signals and signage, vehicle parking and stopping/standing, the establishment of designated truck routes, and the use of streets for the storage of vehicles; and

WHEREAS, the City Council of the City of Exeter desires to make certain technical corrections to various sections throughout Title 10 of the Exeter Code of Ordinances, delete and reserve Chapters 10.48 and 10.52 concerning the licensing and use of bicycles, clarify its definition of “commercial vehicles, and add restrictions concerning the parking of commercial vehicles in residential areas;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EXETER DOES ORDAIN, AS FOLLOWS:

SECTION 1: The City Council hereby restates and amends Title 10, Chapters 10.04, 10.08, 10.12, 10.16, 10.20, 10.24, 10.28, 10.32, 10.36, 10.40, 10.44, 10.48, 10.52, 10.56, and 10.60, to read as follows:

Title 10 - VEHICLES AND TRAFFIC

Chapters:

Chapter 10.04 - TRAFFIC REGULATIONS¹¹

Sections:

Footnotes:

--- (1) ---

For statutory provisions on local authority to place traffic-control devices, see Vehicle Code § 21351 et seq. and § 21450 et seq.; for provisions on local parking curb markings, see Vehicle Code § 21458; for provisions on local parking regulations, see Vehicle Code §§ 22506 et seq.; for provisions on stopping, standing and parking generally, see Vehicle Code § 22500 et seq.

10.04.010 - Authorization by council.

The city council may by resolution authorize any action authorized or permitted by this chapter.

10.04.020 - Definitions.

The following words and phrases, when used in this chapter, shall for the purpose of this chapter have the meanings respectively ascribed to them in this section:

- A. "Curb" means the lateral boundary of the roadway, whether such curb be marked by curbing construction or not so marked. "Curb," as used in this chapter, shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracts or rights-of-way of public utility companies.
- B. "Park" means to stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials.

10.04.030 - Traffic-control device—Installation.

- A. The city council shall have the power and duty to place and maintain or cause to be placed or maintained official traffic-control devices when and as required to make effective the provisions of this chapter.
- B. Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic-control devices be installed to give notice to the public of the application to such law, the city council is authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.
- C. The city council shall also place and maintain or cause to be placed and maintained such additional traffic-control devices as the council may deem necessary or proper to regulate traffic or to guide or warn traffic.

10.04.040 - Traffic-control device—Obedience.

The operator of any vehicle or train shall obey the instructions of any official traffic-control device placed in accordance with this chapter, unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle responding to emergency calls.

10.04.050 - Traffic-control device—Removal, relocation, or discontinuance.

The city council is authorized to have removed, relocated, or discontinued the operation of any traffic-control device not specifically required by the Vehicle Code or this chapter whenever the council shall so determine.

10.04.060 - Installation of traffic signals.

The city council is authorized to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of

traffic be alternately interrupted and released in order to prevent or relieve traffic congestion, or to protect life or property from exceptional hazards determined by the council.

10.04.070 - Lane marking.

The city council is authorized to have marked centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles, and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway.

10.04.080 - Unauthorized painting of curbs.

No person, unless authorized by this city, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of this city pertaining thereto.

10.04.090 - Erection of stop signs.

A. Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the city council shall have erected and maintained stop signs as follows:

A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated, and at those entrances of other intersections where a stop is required, and at any railroad grade crossing so designated. Every such sign shall conform with, and shall be placed as provided in, the Vehicle Code.

B. Those streets and parts of streets established by resolution of the city council are declared to be through streets for the purposes of this section.

C. The provisions of this section shall also apply to one or more entrances to the intersections as such entrances and intersections are established by resolution of the city council.

10.04.100 - Emerging from alley, driveway, or building.

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or driveway.

10.04.110 - Stopping, standing, or parking—Scope.

A. The provisions of this chapter prohibiting the stopping, standing, or parking of a vehicle shall apply at all times or at those times specified in this chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

B. The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

10.04.111 - Emergency parking signs.

- A. Whenever the city administrator shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, the city administrator has the power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the city administrator shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency, and the city administrator shall cause such signs to be removed promptly thereafter.
- B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the direction and provisions of such signs.

10.04.112 - Prohibition of parking of vehicles, boats and/or trailers for purposes of displaying same for sale upon arterial and collector streets.

No person or entity shall be permitted to park any motor vehicle, boat and/or trailer for purposes of displaying same for sale upon any street within the city of Exeter which has been designated as an arterial or collector street under the circulation element of the general plan of the city of Exeter. The city shall post notices of this prohibition at appropriate and conspicuous places along all such arterial and collector streets within the city limits. Any violation of the provisions of this section shall constitute an infraction, punishable as described in Section 1.12.030 of this code.

10.04.120 - Stopping, standing, or parking in parkways prohibited.

No person shall stop, stand, or park a vehicle within any parkway.

10.04.130 - Stopping, standing, or parking—Curb markings or signs.

- A. The city council is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in this chapter.
- B. When the curb markings or signs are in place, no operator of any vehicle shall stop, stand, or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this chapter.

10.04.140 - Twenty-minute parking.

Green curb marking means no standing or parking for a period of time longer than twenty minutes at any time.

10.04.150 - One-hour parking.

When authorized signs, parking meters, or curb markings have been determined by the city council to be necessary and are in place giving notice thereof, no operator of any vehicle shall

stop, stand, or park the vehicle between the hours of nine a.m. and six p.m. of any day except Sundays and holidays for a period of time longer than one hour.

10.04.160 - Two-hour parking.

When authorized signs, parking meters, or curb markings have been determined by the city council to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park the vehicle between the hours of nine a.m. and six p.m. of any day except Sundays and holidays for a period of time longer than two hours.

10.04.170 - Parking space markings.

- A. The city council is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted, including areas for angle parking.
- B. When such parking space markings are placed on the highway and streets subject to other and more restrictive limitations, no vehicle shall be stopped, left standing, or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

10.04.180 - No stopping zones.

- A. The city council shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited.
- B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to stop the vehicle on any of the streets or parts of streets established by resolution of the council as no stopping zones.

10.04.190 - Loading zones—Generally.

- A. The city council is authorized to determine and to have marked loading zones and passenger loading zones as follows:
 - 1. At any place in the business district;
 - 2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.
- B. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.
- C. Loading zones shall be indicated by yellow paint upon the top of all curbs within such zones.
- D. Passenger loading zones shall be indicated by white paint upon the top of all curbs in said zones.

10.04.200 - Parking or standing regulations—Curb markings.

The city council is authorized, subject to the provisions and limitations of this chapter, to place, and when required in this chapter shall place, the following curb markings to indicate

parking or standing regulations, and the curb markings shall have the meanings as set forth in this section:

- A. "Red" means no stopping, standing, or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed by a bus zone.
- B. "Yellow" means no stopping, standing, or parking at any time between seven a.m. and six p.m. of any day except Sundays and holidays for any purposes other than the loading or unloading of passengers or materials; provided, that the loading or unloading of passengers shall not consume more than three minutes nor the loading or unloading of materials more than twenty minutes.
- C. "White" means no stopping, standing, or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mail box, which shall not exceed three minutes and such restrictions shall apply between seven a.m. and six p.m. of any day except Sundays and holidays and except as follows:
 - 1. When such zone is in front of a hotel or in front of a mailbox, the restrictions shall apply at all times;
 - 2. When such zone is in front of the theater, the restrictions shall apply at all times except when such theater is closed.
- D. When the city council as authorized under this chapter has caused curb markings to be placed, no person shall stop, stand, or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

10.04.210 - Loading or unloading—Materials.

Permission granted in this chapter to stop or stand a vehicle for purposes of loading or unloading of materials shall apply only to commercial vehicles and shall not extend beyond the time necessary there for, and in no event for more than twenty minutes.

10.04.220 - Loading or unloading—Yellow zone.

No person shall stop, stand, or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or materials for such time as is permitted in Section 10.04.220.

10.04.230 - Loading or unloading—Passengers.

No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in Section 10.04.220 of this chapter.

10.04.231 - Repairing or greasing vehicles on public streets.

No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled, any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street.

10.04.240 - Violation—Penalty.

Any person violating any of the provisions of this chapter shall be guilty of an infraction. Any person who shall be convicted of the violation of this chapter shall be deemed guilty of an infraction and shall be punishable by a fine not exceeding fifty dollars for the first offense, one hundred dollars for the second offense within six months and two hundred fifty dollars for the third offense within one year.

Chapter 10.08 - SPEED LIMITS^[2]

Sections:

Footnotes:

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For statutory provisions authorizing cities to increase speed limits, see Vehicle Code §22357.

10.08.010 - Established on certain streets.

Pursuant to Section 22357 of the Vehicle Code, the city council determines, upon the basis of an engineering and traffic survey, that a speed greater than twenty-five miles per hour, thirty miles per hour and forty miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon the following described streets of the city, as follows:

- A. On that portion of Firebaugh Avenue from Kaweah Avenue to Belmont Avenue, the prima facie speed shall be thirty miles per hour.
- B. On that portion of Chestnut Street from Kaweah Avenue to Orange Avenue, except when passing Lincoln School while children are crossing the street, the prima facie speed shall be thirty miles per hour.
- C. On that portion of Rocky Hill Drive from the east city limit to Kaweah Avenue, the prima facie speed shall be thirty miles per hour.
- D. On that portion of Palm Street from Kaweah Avenue to "G" Street, the prima facie speed shall be thirty miles per hour.
- E. On that portion of Visalia Road from Belmont Avenue to Orange Avenue, the prima facie speed shall be forty miles per hour.

10.08.020 - Exception.

The provisions of this chapter shall not apply to any twenty-five miles per hour prima facie limit which is applicable when passing a school building or the grounds thereof.

Chapter 10.12 - U-TURNS^[3]

Sections:

Footnotes:

--- (3) ---

For statutory provisions authorizing local authorities to prohibit the making of any turning movement at any intersection, see Vehicle Code §22113.

10.12.010 - Prohibited at certain intersections.

It is unlawful for the operator of any motor vehicle to make a U-turn at any of the following street intersections in the city:

Pine Street and Kaweah Avenue

Pine Street and B Street

Pine Street and D Street

Pine Street and E Street

Pine Street and F Street

Pine Street and G Street

Pine Street and H Street

Pine Street and Filbert Avenue

Pine Street and Quince Avenue

Pine Street and Orange Avenue.

10.12.020 - Applicability.

The prohibition contained in this chapter applies regardless of the direction in which a motor vehicle is traveling when it approaches the intersection.

10.12.030 - Violation—Penalty.

Every person, association or corporation who violates any of the provisions of this chapter shall be guilty of an infraction punishable as prescribed in Section 1.12.030 of this code.

Chapter 10.16 - ONE-WAY STREETS AND ALLEYS^[4]

Sections:

Footnotes:

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For statutory provisions on designation of one-way streets, see Vehicle Code §21657.

10.16.010 - Certain alley designated.

The alley running from northwest to southeast in each of Blocks 20, 28, 29, 40 and 41 of the city, as per the official map or plat of the city now on file and of record in the office of the county recorder is designated as a one-way alley; and all vehicles on any such alley in any one of

the five blocks shall be moved only from the northwest to the southeast by the person driving or operating the same or in charge thereof while the same is moving over any such alley.

10.16.020 - Direction.

No person driving or operating any vehicle or in charge of the same, shall cause or permit any such vehicle to enter any of the alleys designated in Section 10.16.010, except from the north end of such alley.

10.16.030 - Signs.

There shall be erected at the north entrance to each of the five alleys mentioned in Section 10.16.010, a sign upon which shall appear the words "One Way," and there shall be erected at the south end of each of the five alleys a sign upon which shall appear the words "Exit Only – Do Not Enter." Such signs shall comply with the provisions of the Vehicle Code as to size and color.

10.16.040 - Further description.

The five alleys made subject to the provisions of this chapter are further described as the alley running from northwest to southeast from Palm Street to Maple Street between; and parallel with, C Street and D Street in Block 20, the alley running from northwest to southeast from Palm Street to Pine Street between; and parallel with, D Street and E Street in Block 28, the alley running from northwest to southeast from Pine Street to Maple Street between, and parallel with, D Street and E Street in Block 29; the alley running from northwest to southeast from Pine Street to Maple Street between, and parallel with, E Street and F Street in Block 40; and the alley running from Northwest to Southeast from Palm Street to Pine Street between, and parallel with, E Street and F Street in Block 41.

10.16.050 - Violation—Penalty.

Every person, association or corporation who violates any of the provisions of this chapter shall be guilty of an infraction, punishable as prescribed in Section 1.12.030 of this code.

Chapter 10.20 - ILLEGAL PARKING AREAS*

Sections:

* For statutory provisions on local parking regulations, see Vehicle Code § 22506 et seq.; for provisions on stopping, standing and parking generally, see Vehicle Code § 22500 et seq.

10.20.010 - Purpose—Interpretation.

This chapter is adopted for the purpose of preventing situations and conditions which are detrimental to the welfare of the city and shall, therefore, be strictly construed to prevent violators of the chapter from escaping legal penalties.

10.20.020 - Definition.

For the purpose of this chapter, "motor vehicle" includes but is not limited to automobiles, whether built for transportation, passengers or for any other purpose, and motorcycles or motorbikes.

10.20.030 - Areas designated.

It is unlawful for any person to park a motor vehicle or to permit to be parked a motor vehicle at any time between eleven p.m. and five a.m. in any of the following described areas in the city:

- A. Area No. 1. Anywhere on either side of East Pine Street or West Pine Street between Kaweah Avenue and Filbert Avenue except that portion thereof between E Street and H Street.
- B. Area No. 2. Anywhere on either side of Rocky Hill Drive between East Pine Street and Kaweah Avenue.
- C. Area No. 3. Anywhere on either side of South B Street between East Pine Street and Rocky Hill Drive.
- D. Area No. 4. Anywhere on the side of the street adjacent to Block 68 of the city as per map recorded in Book 2, page 52 of Maps of Tulare County, California. This block is triangular in shape and generally known as "Schelling Park," and the area in which parking is prohibited is as follows: The northwest side of North H Street between West Pine Street and Filbert Avenue; the east side of North Filbert Avenue adjacent to Block 68; and the north side of West Pine Street between North H Street and Filbert Avenue.
- E. Area No. 5. Anywhere on the north side of West Palm Street between North G Street and Filbert Avenue; the east side of North Filbert Avenue between West Palm Street and Visalia Road; and the southwest side of Visalia Road and North G Street between West Palm Street and North Filbert Avenue.
- F. Area No. 6. Anywhere on the side of a street adjacent to Block 31 of the city as per map recorded in Book 2, page 52 of Maps of Tulare County, California. This block is known as "City Park," and the area in which parking is prohibited is as follows: The west side of South D Street between East Chestnut Street and East Cedar Street; the south side of East Chestnut Street between South D Street and South E Street; the north side of East Cedar Street between South D Street and South E Street; and the east side of South E Street between East Chestnut Street and East Cedar Street.
- G. Area No. 7. Anywhere on the side of the street adjacent to Block 2 of the city. The area in which parking is prohibited is as follows: The west side of Kaweah Avenue along the easterly side of the block; the south side of the block; the east side of North A Street between the southerly end of the block and the south side of East Palm Street; and the northerly side of the block between North A Street on the west and Kaweah Avenue on the east.
- H. Area No. 8. Anywhere adjacent to that portion of Block 4 of the city lying east of the alleyway extending from north to south in the block. The area in which parking is prohibited is as follows: The west side of Kaweah Avenue between East Pine Street and

Rocky Hill Drive; the portion of East Pine Street lying on the north side of the property; and the alleyway extending through the block from the north side of Rocky Hill Drive to the south side of East Pine Street.

- I. Area No. 9. Anywhere on a side of a street adjacent to Block 3 of the city. This is a small triangular block. The area in which parking is prohibited is as follows: The west side of Kaweah Avenue south of East Maple Street; the south side of East Maple Street between South B Street and Kaweah Avenue; and the east side of South B Street which is south of East Maple Street.
- J. Area No. 10. Anywhere on a side of a street adjacent to that irregular quadrangle bounded on the south by Visalia Road, on the east by North G Street extension, and on the west by North Filbert Avenue. The area in which parking is prohibited is north of Visalia Road and adjacent to said quadrangle; the north side of Visalia Road between North G Street extension and Filbert Avenue; and the east side of Filbert Avenue from Visalia Road to the northern end of said quadrangle.
- K. Area No. 11. Anywhere on any street or alley or property owned by the city or property adjacent to any such street or alley or property which is posted with a sign or signs as provided in this chapter.

10.20.031 - Areas designated—Eight a.m. to five p.m.

It is unlawful for any person to park a motor vehicle or to permit to be parked a motor vehicle at any time between eight a.m. and five p.m., Monday through Friday in any of the following designated areas of the city:

- A. Area No. 1. Anywhere on the south side of Rocky Hill Drive between Kaweah Avenue and First Street.

10.20.032 - Areas designated—Two-thirty a.m. to four-thirty a.m.

It is unlawful for any person to park a motor vehicle or to permit to be parked a motor vehicle at any time between the hours of two-thirty a.m. and four-thirty a.m. of the same day in any of the following designated areas of the city:

- A. Area No. 1. Anywhere on either side of East Pine Street or West Pine Street between E Street and H Street.

10.20.033 - Parking in alleyways prohibited.

No person shall stop, stand or park any vehicle in any city alleyway except:

- A. Where necessary to avoid conflict with other traffic;
- B. For no longer than three minutes for the purpose of taking on or discharging passengers;
- C. For no longer than thirty minutes for the purpose of loading/unloading materials; or
- D. Where directed by police officer, sign, signal or for an emergency break down.

All vehicles legally stopped, standing or parked pursuant to this section shall be so stopped, standing or parked facing the proper direction for legal traffic in such alleyway, and on the right

side thereof. No such vehicle shall be stopped, standing or parked in a manner that would unreasonably impede or obstruct traffic or city services.

10.20.040 - Occupying certain vehicles unlawful.

It is unlawful for any person to occupy or sit or stand upon any motor vehicle which is illegally parked according to the provisions of this chapter, except entering the vehicle for the purpose of promptly removing, and actually removing, the vehicle to a place where the parking of the car is not prohibited by the provisions of this chapter.

10.20.050 - Exceptions.

The only exceptions apply to an employee of the city who is in the performance of his duties and to a person or organization which has a written permit issued by the Public Works Department.

10.20.060 - Signs-Posting.

The city council shall by resolution instruct the Public Works Department to post and maintain appropriate signs on all of the areas referred to in this chapter, including those referred to as "Area No. 11."

10.20.070 - Signs-Maintenance.

The Public Works Department shall maintain signs on all of the illegal parking areas which briefly give notice of the illegality of parking at certain times.

10.20.080 - Violation-Penalty.

Every person, association or corporation who violates any of the provisions of this chapter shall be guilty of an infraction, punishable as prescribed in Section 1.12.030 of this code.

Chapter 10.24 - PARKING OF MOTOR VEHICLES^[5]

Sections:

Footnotes:

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For statutory provisions on local parking regulations, see Vehicle Code §22506 et seq.; or provisions on stopping, standing and parking generally, see Vehicle Code §22500 et seq.; for provisions regarding the standing or parking of peddlers or vendors, see §5.36.010 of this code.

10.24.010 - Parking in certain alley unlawful-Penalty.

A. It is unlawful to park a motor vehicle in any alley in the area designated in subsection B of this section; provided, however, that it shall be lawful for a commercial vehicle to park in any alley in such district at such times as it is actually being loaded or unloaded.

B. The area of the city to which this section is applicable is described as follows:

Block 20 excepting there from Lots 9 to 24 inclusive, Block 21 excepting there from Lots 1 to 8 and Lots 29 to 32 inclusive, Block 28, Block 29, Block 40, Block 41, Block 53,

Block 57 excepting there from Lots 1 to 8 inclusive and Los 25 to 32 inclusive, Block 58 excepting there from Lots 9 to 24 inclusive, Block 67 excepting there from Lots 9 to 21 inclusive, Fractional Block 68, that parcel of land bounded by Pine Street on the north, G Street on the west, Maple Street on the south and the Southern Pacific Railroad right-of-way on the east, Lots 9 to 24 inclusive in Block 10, that portion of Block 4 lying north of Rocky Hill Drive, Lots 1 to 8 inclusive and Lots 25 to 32 inclusive in Block 11.

- C. Every person, association, or corporation who violates any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed the sum of fifty dollars, or imprisoned in the county jail for a period of not to exceed twenty-five days, or by both such fine and imprisonment.

10.24.020 - Parking on certain street unlawful-Penalty.

- A. It is unlawful for any person to park or to leave parked any motor vehicle, whether occupied or not, on the west side of First Street between Firebaugh Avenue and Cedar Street, otherwise than temporarily for the purpose of and while actually engaged in the loading or unloading of passengers.
- B. Every person, association or corporation who violates any of the provisions of this section is guilty of a misdemeanor. Upon conviction thereof, he shall be punishable by a fine not to exceed twenty-five dollars, or by imprisonment in the city jail or the county jail not to exceed five days, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this section occurs or continues constitutes a separate offense and, upon conviction thereof, shall be punishable as provided in this section.

10.24.030 - Use of streets for storage of vehicles prohibited.

- A. Any person who owns or has possession, custody, or control of any vehicle shall not park such vehicle upon any public street or alley for more than a consecutive period of seventy-two hours.
- B. No motor coach in excess of both twenty feet in length and seven feet in height, motor home, or vacation trailer; nor any horse trailer, automobile trailer, trailer house or coach, or utility trailer, as defined by the Exeter Municipal Code Sections 17.04.595, 17.04.600 and 17.04.615; nor any boats, with or without a trailer, shall be parked or left standing upon any street in any residential district between the hours of two a.m. and six a.m.
- C. Vehicles described under subsection B of this section may be parked or left standing upon any street in any residential district between the hours of two a.m. and six a.m. under the following circumstances only:
 - 1. For the purpose of loading or unloading, for two consecutive periods from two a.m. to six a.m. before and after a trip. The term "trip" does not refer to daily use of the vehicle, but instead refers to an extended, overnight use of the vehicle which requires additional time to prepare the vehicle. The term "loading and unloading" includes packing food, clothing and supplies and preparing the vehicle's refrigeration system, and unpacking the vehicle after the trip; or
 - 2. For the purpose of accommodating visitors who are traveling in the vehicle, or towing a boat, not to exceed three consecutive periods from two a.m. to six a.m.

D. The term "residential district" shall mean any district designated RA, R or RM pursuant to Exeter Municipal Code Section 17.06.010.

Chapter 10.28 - PARKING OF TRUCKS

Sections:

10.28.010 - Unlawful parking.

It is unlawful to park or cause to be parked any commercial vehicle with an unladen weight of five thousand pounds or more on any street or alley, or any residential area including curbside, driveways, front yards, side yards, and rear yards in the city for any continuous period exceeding two hours, except as otherwise provided in this chapter, under 10.28.020 - Exceptions.

Definition: A commercial vehicle is described by the California Department of Motor Vehicles (DMV) per California Vehicle Code (CVC §260) A commercial vehicle, is a vehicle required to be registered which is used or maintained for the transportation of persons for hire, compensation, or profit or designed, used or maintained primarily for the transportation of property.

Truck Tractor (CVC §655) A truck tractor is a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the vehicle weight and load drawn. As used in this section, "load" does not include items carried on the truck tractor in conjunction with the vehicle operation if the load carrying space for these items does not exceed 34 square feet. Truck tractors must always be registered as commercial vehicles, even if they have living quarters. The living quarters are secondary or incidental to the primary function of the vehicle, which is still drawing other vehicles.

A bus (CVC §233) is a commercial vehicle when it is used to transport persons for hire, compensation, or profit or when bus transportation is supplied by a profit-making entity and customer pays for the bus service as part of the overall consideration for the primary service.

Pickup (CVC §471) A pickup is a motor truck with a manufacturer's gross vehicle weight rating (GVWR) of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and equipped with an open box-type bed less than nine feet in length. *California Code of Regulations, Title 13 §150.04 further defines pickup trucks. A pickup shall not be considered a commercial vehicle under this section, 10.28.010.*

10.28.020 - Exceptions.

- A. The provisions set forth in Section 10.28.010 shall not apply to parking of vehicles at or along the curb or side of any street or alley which curb or side is in or adjacent to any area of the city which is zoned C-2 central commercial zone, C-3 commercial service zone, C-H highway commercial zone, M-1 light manufacturing zone, M-1-X exclusive light manufacturing zone, or M-2 heavy manufacturing zone, according to the provisions of Title 17 as in effect from time to time.
- B. There is excepted from the provisions set forth in Section 10.28.010 any vehicle which is being used for the loading or unloading of goods or cargo being received from or delivered to property in the block in which such vehicle is parked during such time as may be reasonably necessary to complete such loading or unloading.

- C. There is excepted from the provisions set forth in Section 10.28.010 any vehicle which is parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked, during such time as may be reasonably necessary to complete such service.

10.28.030 - Violation—Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars.

Chapter 10.32 - PARKING ON CITY PROPERTY

Sections:

10.32.010 - Signs required.

Whenever the city administrator/public works director determines that the orderly efficient conduct of the city's business requires that parking or standing of vehicles on city property or property leased by the city shall be prohibited, limited or restricted, the city administrator/public works director shall have the power and authority to order signs to be erected or posted indicating that the parking of vehicles is thus prohibited, limited, or restricted.

10.32.020 - Violation—Penalty.

When signs authorized by the provisions of this section are in place giving notice thereof, it is unlawful for any person to park or stand any vehicle contrary to the directions or provisions of such signs. Any person violating any provision of this chapter shall be guilty of an infraction and upon conviction thereof shall be punished by a fine of not more than fifty dollars.

Chapter 10.36 - TRUCK ROUTE*

Sections:

10.36.010 - Established.

A truck route for loaded trucks and vehicles of three thousand pounds or more load capacity is established as follows:

- A. Visalia Road;
- B. Palm Street;
- C. Belmont Avenue;
- D. Highway #65;
- E. Firebaugh Avenue;
- F. 1st, 2nd and 3rd Streets from Firebaugh Avenue to Rocky Hill Drive;
- G. Rocky Hill Drive between 2nd and 3rd Streets.

10.36.020 - Requirements.

The city administrator or public works director shall have the routes designated in Section 10.36.010 marked and designated by appropriate signs directing truck traffic, after which any vehicle designated in Section 10.36.010 shall drive on such route and no other, except when it is impractical to do so or when it is necessary to traverse another street or streets to a destination for the purpose of loading or unloading, but then only by such deviation from the nearest truck route as is reasonably necessary.

10.36.030 - Restricted parking.

No commercial vehicle(s) shall be parked within one hundred feet of an intersection located within the specified truck route or commercial zone as defined in the Exeter Municipal Code, Section 10.28.020 of this title.

Chapter 10.40 - ABANDONED VEHICLES^[6]

Sections:

Footnotes:

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For statutory provisions authorizing cities to provide for removal as public nuisances of abandoned, wrecked, dismantled or inoperative vehicles, see Vehicle Code §22661(e).

10.40.010 - Findings and declaration.

Pursuant to the determination made and the authority granted by the State Legislature under Section 22660 of the Vehicle Code of the state to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private and public property as public nuisances, the city council makes the following findings and declarations:

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 part thereof on private or public property, not including highways, except as expressly permitted in this chapter, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

10.40.020 - Scope.

This chapter 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 statutes and ordinances heretofore or hereafter enacted by the state, the city, or any other legal entity or agency having jurisdiction.

10.40.030 - Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

- A. "Administrative costs" means the costs to the city, and to the County when acting on behalf of the city pursuant to an agreement, of performing the acts required under this chapter, except the actual removal of the vehicle. The City Council may, from time to time by resolution, determine the administrative costs for the removal of each vehicle removed by the city if the vehicle is removed without a hearing pursuant to Section 10.40.090. When the acts required by this chapter are performed by the County acting on behalf of the city, the administrative costs, if the vehicle is removed without a hearing, shall be that amount to be determined from time to time by the Board of Supervisors to be the administrative costs of removal of abandoned vehicles from unincorporated areas of the county rather than the amount determined by the City Council. In those cases in which the Police Chief conducts a hearing pursuant to Section 10.40.090, he shall fix and determine the administrative costs which shall be the actual cost of performing acts pertaining to the specific vehicle which is the subject of the hearing.
- B. "Cost of removal" means the actual cost to the city of having the vehicle removed. The City Council may, from time to time, by resolution, determine the cost of removal.
- C. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" also includes streets.
- D. "Public property" does include "highway."
- E. "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. "Vehicle" also includes any part or portion of a vehicle which is less than a whole vehicle, and all of the provisions of this chapter apply to a part or portion of a vehicle which is less than a whole vehicle.

10.40.040 - Exceptions.

- A. This chapter shall not apply to either of the following:
 - 1. A vehicle which is completely enclosed within a building in a lawful manner so that it is not visible from the street or other public or private property;
 - 2. A vehicle which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.
- 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 11 of the Vehicle Code of the state and this chapter.

10.40.050 - Voluntary removal—Administrative procedures.

If it appears to the Chief of Police that an abandoned, wrecked, dismantled, or inoperative vehicle is located on private or public property, he may follow such administrative procedures to secure voluntary removal of such vehicle as appear advisable in each individual case prior to giving a notice of intention to abate pursuant to Section 10.40.060 of this chapter.

10.40.060 - Intention to abate—Notice.

If the Chief of Police cannot secure voluntary removal of the vehicle, pursuant to Section 10.40.050, he shall give written notice of intention to abate and remove the vehicle. The 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 written statement denying responsibility for the presence of the vehicle on the land with the reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by certified 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 of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership.

10.40.070 - Abatement and removal—Request for hearing.

The registered or legal owner of the vehicle or the owner of the land on which the vehicle is located may request a hearing on the question of abatement and removal of the abandoned, wrecked, dismantled, or inoperative vehicle and on the question of assessment of the administrative costs and cost of removal against the property on which it is located. Such request for a hearing shall be in writing and shall be filed with the Chief of Police not more than ten days after the date on which the notice of intention described in Section 10.40.060 was mailed by the Chief of Police. If the owner of the land on which the vehicle is located files with the Chief of Police a sworn statement denying responsibility for the presence of the vehicle on his land within the ten-day period, the statement shall be construed as a request for a hearing which does not require the presence of the owner submitting such request.

10.40.080 - Failure to request hearing—Removal—Costs.

If no hearing is requested within the time limit specified in Section 10.40.070, the Chief of Police shall cause the vehicle to be removed and taken to a junkyard, automobile dismantling yard, or refuse disposal site. Except as otherwise provided in Section 10.40.070, when no hearing has been requested, the owner shall be required to pay the administrative costs as determined by the City Council or the Board of Supervisors, and the cost of removal as determined by the City Council in accordance with Section 10.40.030. The Chief of Police shall send a request for payment of the costs to the owner of the property by regular mail, and if he does not pay the costs within thirty days after the date on which the letter was mailed, the procedure set forth in subsection C of Section 10.40.160 shall be followed.

10.40.090 - Request for hearing—Notice.

If a public hearing has been requested in accordance with the provisions of Section 10.40.070, a public hearing shall be held on the question of abatement and removal of a vehicle

and the assessment of the administrative costs and cost of removal against the property on which it is located. The Chief of Police shall cause notices of the time and place of the hearing to be sent by regular mail to the owner of the land as shown on the last equalized county assessment roll, and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices shall be mailed at least ten days before the date of the hearing.

10.40.100 - Hearing—Procedure.

The public hearing under this chapter shall be conducted by the Chief of Police. The Chief of Police shall hear all pertinent evidence offered by all interested persons, including testimony on the condition of the vehicle and the circumstances concerning its location on private property or public property. The technical rules of evidence shall not be applicable to the hearing. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement for consideration at the hearing. The owner of the land may deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

10.40.110 - Hearing—Decision by chief of police.

- A. At the conclusion of the public hearing, the Chief of Police may find that a vehicle 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 chapter. He may also determine the amount of the administrative costs, in accordance with Sections 10.40.030 and 10.40.150, and may determine that all or a portion of the administrative costs and the cost of removal are to be charged against the owner of the land on which the vehicle is located.
- B. If it is determined by the Chief of Police that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the Chief of Police shall not assess administrative costs or the cost of removal of the vehicle against the owner of the land on which the vehicle is located or otherwise attempt to collect such costs from such landowner.
- C. The Chief of Police may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purposes of this chapter. He may delay the time for removal of the vehicle if, in his opinion, the circumstances justify it.
- D. The Chief of Police shall give written notice of his decision to all of the interested persons to whom the notice of hearing was mailed.

10.40.120 - Removal.

- A. At any time after the Chief of Police orders an abandoned, wrecked, dismantled, or inoperative vehicle to be removed, pursuant to Section 10.40.110, any interested party may cause such vehicle to be removed. If the Chief of Police has assessed administrative costs and the cost of removal against the property on which the vehicle is located, and the vehicle is voluntarily removed without cost to the City, only the administrative costs shall thereafter be collected from the owner of the land.

- B. If no appeal has been filed and the vehicle has not been removed within ten days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the Chief of Police was mailed to the interested parties, the Chief of Police shall cause the vehicle to be removed and taken to a junkyard, automobile dismantling yard, or refuse disposal site.
- C. If an appeal has been filed and the vehicle has not been removed within ten days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the city council was mailed to the interested parties, the Chief of Police shall cause the vehicle to be removed and taken to a junkyard, automobile dismantling yard, or refuse disposal site.

10.40.130 - Removal—Reconstruction of vehicle.

After a vehicle has been removed, it shall not be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, in which case the vehicle may be reconstructed or made operable.

10.40.140 - Removal—Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle pursuant to the provisions of this chapter, the Chief of Police shall give notice of the removal to the Department of Motor Vehicles of the state identifying the vehicle removed and transmit to the Department any evidence of registration available, including but not limited to registration certificates, certificates of title and license plates.

10.40.150 - Removal—Costs—Collection.

- A. If the Chief of Police has caused the vehicle to be removed from the property, and he has assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, he shall mail a notice to the owner of the property of the total costs to be paid by the owner of the property.
- B. If any interested party has caused the vehicle to be removed from the property without cost to the City, and the Chief of Police has previously assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, the Chief of Police shall mail a notice to the owner of the property of the administrative costs to be paid by the owner of the property.
- C. If the costs referred to in subsections A and B of this section are not paid within thirty days after the date on which the notice referred to therein is mailed to the owner of the property, the City Council may direct the County Auditor to place the unpaid costs on the City tax roll as a special assessment against the property pursuant to Section 38773.5 of the Government Code of the state. The assessment shall be collected at the same time and in the same manner as ordinary 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. All laws applicable to the levy, collection and enforcement of City taxes shall be applicable to such special assessment.

10.40.160 - Costs—Payment by state.

- A. The City Council may, from time to time, enter into agreements with the State, through the California Highway Patrol, or such other agency of the State as shall be designated by the State, providing that the State shall pay all or any portion of the administrative costs. The City Council may from time to time determine by resolution whether such payment agreed upon is sufficient to pay all or only a portion of the costs of administration.
- B. Whenever the City has entered into an agreement with the County for the performance by the County of such acts as under this chapter may be delegated to the County, the County may contract with the State for the payment to the County of such administrative costs for the removal of vehicles removed within the City. In such case if the County makes a determination whether payments received from the State for removal of abandoned vehicles are sufficient to pay all or only a portion of the administrative cost, that determination shall apply also to payments of administrative costs of removal of vehicles within the City.
- C. Except where administrative costs are determined by the Chief of Police at a hearing, the amount assessed against an owner of land pursuant to Sections 10.40.110 and 10.40.150 shall be limited to the portion of the administrative cost found to be not covered by such an agreement with the State and the cost of removal. This limitation on the assessment shall apply to all cases assessed while such a resolution is in effect. However, said limitation shall not apply to cases in which the written notice of intention to remove was mailed prior to the effective date of the resolution and the resolution increases the amount to be assessed.
- D. Any cost of removal incurred shall be paid by the City out of its general fund.

10.40.170 - Administration and enforcement.

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the Chief of Police and the employees in his department or other persons authorized by him to administer and enforce this chapter. The City Council may by agreement transfer enforcement of this chapter to the County. The county offices to which the enforcement is so transferred shall enjoy the rights and perform the duties of the Chief of Police created by this chapter. No such agreement shall affect the duty of the Chief of Police to conduct the hearing prescribed by Section 10.40.100.

10.40.180 - Entering property.

- A. The Chief of Police, the employees in his department and other persons authorized by him or a county officer authorized by agreement to enforce this chapter, and persons authorized by him, may enter upon private or public property to examine a vehicle and to obtain information as to the ownership and identity of a vehicle when enforcing this chapter.
- B. If the City enters into a contract with any person to remove or cause the removal of vehicles which have been declared to be public nuisances pursuant to this chapter, such person may enter upon private or public property to remove such vehicles.
- C. Every person is guilty of a misdemeanor who in any way denies, obstructs or hampers the entrance of the persons mentioned in this section upon private or public property to carry out

the aforementioned duties or who denies, obstructs or hampers the performance of such duties by such persons after they have entered the property.

Chapter 10.44 - VEHICLES ON PRIVATE PROPERTY^[7]

Sections:

Footnotes:

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For statutory provisions on removal of vehicles from private property, see Vehicle Code §22658 et seq.

10.44.010 - Driving or parking unlawful.

It is unlawful for any person to drive or park a vehicle upon privately owned property without the express or implied permission of the owner or lawful occupant of the property.

10.44.020 - Departing from or entering vehicle unlawful.

It is unlawful for any person, with the exceptions expressed in this chapter, to depart from or enter a vehicle which is unlawfully parked upon privately owned property.

10.44.030 - Exception.

If any private property is normally used for the parking of vehicles in connection with the operation of a business upon the property or adjacent property, there is implied permission to use the property for such purpose by persons patronizing the business, but only during the time that the business is open to the public and for a period of fifteen minutes before the business is open to the public and for a period of fifteen minutes after the business has been closed to the public. However, this implied permission extends only to persons who are actually patronizing the business, and for the time the persons are so patronizing the business.

10.44.040 - Removal.

The owner or person in lawful possession of any private property may request any officer of the police department to cause the removal, or, subsequent to giving notice to the police department, such owner or person in lawful possession may himself cause the removal of the vehicle parked on such property to the nearest public garage or other place of safety if there is displayed in plain view on the property a sign prohibiting public parking. When the person causing the removal of such vehicle is not an officer of the police department, such person shall comply with the requirements of Sections 22852 and 22853 of the Vehicle Code of the state relating to notice in the same manner as shall an officer of the police department when removing a vehicle from private property.

10.44.050 - Removal—Charges.

The owner or person having the right to possession of any vehicle removed pursuant to this section shall pay all such removal, towing and storage charges before he shall be entitled to regain possession of such vehicle.

10.44.060 - Violation—Penalty.

Every person, association, or corporation who violates any of the provisions of this chapter is guilty of a misdemeanor. Upon conviction thereof, he shall be punishable by a fine not to exceed one hundred fifty dollars, or by imprisonment in the city jail or the county jail not to exceed thirty days, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this chapter occurs or continues constitutes a separate offense and, upon conviction thereof, shall be punishable as provided in this chapter.

Chapter 10.48 [RESERVED]

Chapter 10.52 [RESERVED]

Chapter 10.56 - TRANSPORTATION DEMAND MANAGEMENT PROGRAM

Sections:

10.56.010 - Purpose.

The purpose of this chapter is to improve ambient air quality by reducing air pollutant emissions that result from vehicle commute trips to worksites with one hundred or more employees by increasing the average vehicle ridership (AVR).

10.56.020 - Adoption.

The City adopts the San Joaquin Valley Unified Air Pollution Control District's Rule 9001 (Commute Based Trip Reduction) and Rule 3130 (Rule 9001 Plan Review Fees) by reference, as may be amended by said Board from time to time.

Chapter 10.60 - VEHICLE REPAIR, PARKING AND STORING

Sections:

10.60.010 - Vehicle repair, parking and storing.

- A. No person shall park, store, place, or allow to remain on front yards, side yards, back yards, parking strips, planting strips, sidewalks, curbs, or on any street, any vehicle incapable of movement under its own power, or any disabled motor vehicle whether capable of movement or not, motor vehicle parts, equipment, machinery, tools, or other similar materials of any kind, or greases, oils, paints, or their containers, for a period of more than seventy-two hours in any thirty-day period. Said vehicles shall include but not be limited to destruction derby cars or similar automobiles.
- B. No person shall construct, reconstruct, disassemble, repair, or service any motor vehicle, motorcycle, boat, household appurtenance, upon any residential yards between ten p.m. and seven a.m. if a nuisance is created. No person shall do any such work, or allow work to be done, in any front yard at any time, except for emergency work, which does not extend over a period of two hours. The burden of showing that the work was emergency work shall be upon the person charged with violations of this subsection.

- C. No person shall store or park any vehicle in any yard, driveway, or street of the city in any residential district for a continuous period of more than seventy-two hours in any thirty-day period, except: (1) in a properly permitted and entirely enclosed space or carport, or (2) in a rear yard enclosed by not less than a five-foot solid fence or wall, or (3) in a front yard improved driveway but no closer than three feet of any garage door opening and no closer than five feet of any side yard property line, so long as screening by shrubs and/or trees is provided along the side yard property line sufficient to mitigate the visual impact of the vehicle on adjacent property.
- D. In any residential district, there shall be no parking, storage, or other similar uses within required front yard landscaped areas.
- E. For purpose of this section, the terms "yard," "driveway," and "street" do not include a ten feet area adjacent to and behind the curb, in areas improved with curbs, and adjacent to and behind the edge of the pavement, in areas with no curbs. Parking and storage of vehicles within the said ten feet area shall be prohibited.

SECTION 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 3: This Ordinance shall be in full force and effect thirty (30) days after its final adoption by the City Council. The City Clerk shall cause this ordinance, or a summary thereof, to be published in accordance with applicable law.

The foregoing ordinance was passed and adopted by the City Council of the City of Exeter on a motion of Council Member _____ and seconded by Council Member _____ at a regular meeting held on _____, 2021 by the following vote:

AYES:
 NOES:
 ABSTAIN:
 ABSENT:

 Mayor

ATTEST:

 City Clerk