

EXETER CITY COUNCIL ACTION MINUTES
March 23, 2021

A closed session of the City Council, City of Exeter was held on Tuesday, March 23, 2021, at 6:30 p.m., in the Exeter City Council Chambers, 137 North F Street.

COUNCIL PRESENT: Barbara Sally, Frankie Alves, Dave Hails, and Justin Mills

COUNCIL ABSENT: None

STAFF PRESENT: Adam Ennis, Julia Lew, Shonna Oneal, Daymon Qualls, Marie Arroyo

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)(4) – Conference with Legal Counsel – Potential Initiation of Litigation by the City: Three Cases
2. 54957.6 Conference with Labor Negotiators
 Agency Negotiator: Adam Ennis
 Employee Groups: All represented and unrepresented employees
3. 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.: FR190415

A regular session of the City Council, City of Exeter was held on Tuesday, March 23, 2021, at 7:04 p.m., in the Exeter City Council Chambers, 137 North F Street.

COUNCIL PRESENT: Barbara Sally, Frankie Alves, Dave Hails, and Justin Mills

COUNCIL ABSENT: None

STAFF PRESENT: Adam Ennis, Julia Lew, David Yanez, John Hall, Daymon Qualls, Chris Tavarez, Lisa Wallis Dutra, 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 7:04 p.m. and City Attorney Julia Lew advised there was no reportable actions from Closed Session.

E. PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was given by Council Member Mills and an invocation was given by Public Works Director Daymon Qualls.

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 provide an update on projects at the Exeter Bark Park.

**ACTION MINUTES
EXETER CITY COUNCIL
Page 2, MARCH 23, 2021**

H. CONSENT CALENDAR:

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

1. Approve regular minutes of February 23, 2021
2. Payment of the Bills
3. Payroll: February 19, 2021 and March 5, 2021
4. Treasurer's Report: January 2021 and February 2021
5. Confirm creation of the Dobson Field Ad Hoc Subcommittee and the appointment of Council Members Dave Hails and Justin Mills to the Subcommittee.
6. Affirm \$28,686.05 in emergency repairs performed on Well E13-W by Kaweah Pump of Visalia, CA, and approve an appropriation of that amount into project account 105.461.080.043.
7. Declare Jim Tyler's seat on the Planning Commission vacant and direct staff to post the vacancy and solicit applications.

I. INDIVIDUAL BUSINESS ITEMS

1. **Public Hearing to discuss and consider adoption of Resolution 2021-04 for submittal of a 2021 Community Development Block Grant (CDBG) 1 Application for \$500,000 to be used for Housing Rehabilitation and up to \$250,000 for Planning and Technical Assistance for a Sewer Master Plan Update and authorization of execution of Grant Agreement and any Amendments from the 2021 Funding Year of the State CDBG.** Finance Director Chris Tavarez provided a PowerPoint presentation for Council's review and consideration highlighting the 2021 CDBG application for Council's review and consideration. Mayor Sally opened the public hearing at 7:16 p.m., receiving no comment, the public hearing closed was closed at 7:16 p.m.

Following brief discussion, it was moved by Council Member Hails, seconded by Mayor Pro Tem Alves and unanimously carried to adopt Resolution 2021-04 as presented.

2. **Receive a mid-year 2020/2021 Budget Update and consider a 2020/2021 budget amendment and appropriating an additional \$33,000 to the General Fund, directing anticipated revenues over expenses to reserves; Sewer Capital Project reappropriations; consider establishing the six-year Measure P Expenditure Plan and approval of a fiscal year 2020/2021 budget appropriation of \$197,000 for Measure P based on the Plan.** Finance Director Chris Tavarez provided a PowerPoint presentation for Council's review and consideration. Council posed questions and Mr. Tavarez and City Administrator Adam Ennis provided responses thereto.

Following discussion, it was moved by Council Member Mills, seconded by Mayor Pro Tem Alves and unanimously carried to a) Approve an additional appropriation of \$33,000 and amend the General Fund Budget as outlined in the attachments for a total appropriation of \$4,507,000 in the 2020/2021 fiscal year and direct revenues over expenses to reserves, b) Defer and release \$110,000 of Sewer Fund capital projects and reappropriate \$53,000 for immediate capital needs as outlined in this report, c) Establish the six-year Measure P Expenditure Plan for fiscal years 2020-2021 through 2025/2026, and d) Appropriate \$197,000 in the Measure P Fund for fiscal year 2020/2021 as presented based on the six-year expenditure plan.

3. **Declaration of City Council vacancy in District D and development of procedure and schedule to fill the vacancy.** City Administrator Adam Ennis provided a report for Council's review and consideration. Following discussion, it was moved by Council Member Hails, seconded by Mayor Pro Tem Alves and unanimously carried to declare the City Council vacancy in District D. Following brief further discussion, it was moved by Mayor Pro Tem Alves, seconded by Council Member Mills and unanimously carried to accept applications for District D for review by the Council at an upcoming meeting.

**ACTION MINUTES
EXETER CITY COUNCIL
Page 3, MARCH 23, 2021**

4. **Discussion of COVID-19 status and review the need to continue the state of emergency established by Resolution 2020-12 due to the Novel Coronavirus (COVID-19) for another 60 days.** City Administrator Adam Ennis provided a report for Council's review and consideration. Following brief discussion, it was moved by Council Member Mills, seconded by Mayor Pro Tem Alves and unanimously carried to continue the state of emergency established by Resolution 2020-12 due to the Novel Coronavirus (COVID-19) for an additional 60 days.

J. CITY COUNCIL ITEMS OF INTEREST

Mayor Pro Tem Alves reported on a recent TCAG meeting. Council Member Hails reported on a meeting with Exeter Unified School District.

K. CITY ADMINISTRATOR/DEPARTMENT COMMENTS

City Administrator Adam Ennis provided a brief update on City projects.

L. ADJOURN REGULAR MEETING

Mayor Sally adjourned the regular meeting at 8:00p.m.

Shonna Oneal City Clerk

ACS/XEROX FINANCIAL SYSTEM CITY OF EXETER
3/29/2021 15:39:12 Payments for Publication GL335R-V08.15 PAGE

Approved on 3/22/2021 for Payments Through 3/22/2021

Vendor Name	Description	Amount
VALLEY EXPETEC	MARCH LENOVO THINK PAD	2,409.30
	Police Dept Laptop Lease Agreement	
	Final Totals...	2,409.30

**

Approved on 3/25/2021 for Payments Through 3/25/2021

Vendor Name	Description	Amount
AAA QUALITY SERVICES	3/14-4/10/21 POTTY RENTA	105.30
AMERICAN BUSINESS MACHINES	CH 746 03/24-4/23/21BASE	27.96
AUTOZONE INC	2019CHEV TRUK TAHOE ROTO	280.13
BASIC	MARCH COBRA ADMIN FEE	30.00
BEN-E-LECT INC.	APRIL CLAIMS 2021	4,647.39
BLUE SHIELD OF CALIFORNIA	04/01-04/30/21	25,963.28
BPS TACTICAL, INC.	PATROL DUTY VEST COVER	555.36
BUZZ KILL PEST CONTROL	MARCH PEST CONTROL PD	163.00
C.L.E.A.	APRIL 2021 LT DISABILITY	49.00
CALIFORNIA BUSINESS MACHINES	PW 3/22-4/21/21 BASE	123.34
CHARTER COMMUNICATIONS	3/6-4/5/21 MEDIA SERVICE	79.82
CSJVRMA	20/21 Q4 WORKERS COMP	78,877.00
DELTA LIQUID ENERGY, ARRO AUTO	1/4/21 QUIROZ	25.34
DEPT OF JUSTICE	FEB BLOOD ALCOHOL ANALYS	70.00
DOOLEY ENTERPRISES, INC.	9MM 115GR. FULL METAL J	1,522.29
ELBERT DISTRIBUTING INC	EXTENDED LIFE MOA	79.98
EMD NETWORKING SERVICES, INC.	APRIL MONTHLY BILLING	3,528.10
FOOTHILLS SUN-GAZETTE	PN-197-10 CDBG NOTICE PH	1,641.60
FRONTIER CALIFORNIA INC.	5139-3/16-4/15/21	589.58
FUSION CLOUD SERVICES LLC	0966-3/18-4/17/21	257.08
HYDRAULIC CONTROLS, INC.	STYLE 800 POLYURETHANE U	117.06
INTERSTATE LIGHTING & ELECTRIC	CL-36W	240.12
JT2 INC	HSIP 5195 PROJECT	1,793.53
LEAF CAPITAL FUNDING LLC	PW KYOCERA TA2552CI 002	103.93
LEAGUE OF CA CITIES	2021 MEMBERSHIP DUES	6,170.00
LUIS' NURSERY	10 YARDS TOP SOIL	628.18
MCCORMICK KABOT JENNER & LEW	FEB LEGAL SVC	9,059.50
METER READINGS HOLDING LLC	MTU DEVICES	5,973.66
MID VALLEY DISPOSAL, LLC	FEB MID VALLEY	81,924.75
MOONLIGHT MAINTENANCE	MARCH PD OFFICE CLEANING	1,797.00
MOORE TWINING ASSOCIATES, INC	1 TOTAL NITROGEN 10/DAY	793.00
MORRIS LEVIN & SON	PRESS SWITCH-TRMNT PLANT	19.47
NHA ADVISORS, LLC	WATER DEBT REPORT 2020	3,750.00
OASIS SECURITY SYSTEMS	APR-JUNE 2021	105.00
OFFICE DEPOT	PAPER, DVD SLEEVES	263.47
PRINCIPAL LIFE INSURANCE CO.	APRIL PREMIUMS-35 MEMBER	4,462.69
PRUDENTIAL OVERALL SUPPLY	03/11/2021 UNIFORM SVC	212.40
ROBERT HALF INTERNATIONAL INC.	WKEND 03/19/20 LOURDES	2,523.00
ROMAN CATHOLIC BISHOP	3/19/21 ARROYO DONATION	18.00
SHRED-IT USA LLC	2/23/21 SHRED @ PD	128.36
SILVER & WRIGHT LLP	FEB 221 SOUTH F	964.02
SOUTHERN CALIFORNIA EDISON	9109A-2/10-3/12/21	8,493.31
SUNBELT RENTALS, INC.	14" GAS CUTOFF-FILBERT P	114.60
TRANSUNION RISK & ALTERNATIVE	FEB PERSON SEARCH	75.00
TU CO REGISTRAR OF VOTERS	GENERAL ELECTION-DIST	1,420.18
TU CO TREASURER-TAX COLLECTOR	2020 TAXES/PETERSON, JAY	1,068.58
TULARE COUNTY JAIL	2-ENGRAVED PLAQUE MALCHA	80.98
UNIVAR SOLUTIONS USA INC	SOD HYPO 12.5*	354.03

Approved on 3/25/2021 for Payments Through 3/25/2021

Vendor Name	Description	Amount
US BANK N.A.	FEB CUSTODY CHARGES	82.75
VALLEY EXPETEC	APRIL MONTHLY AGREEMENT	4,477.29
4CREEKS, INC	CM VISALIA RD IMP PROJEC	50,207.93

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Final Totals... 306,037.34

PAYROLL.....S BI-WEEKLY RUN-03/16/2021 15.57.23 PAGE 1
 CHECK FORM..CHEK CHECK REGISTER PR311R-V14.11 Paymate

PERIOD 2 DATING 3/01/2021- 3/14/2021 CHECK DATE 3/19/2021
 DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ
1136	63.69	CA STATE DISBURSEMENT UN	2	1 VENDOR CHECK
1137	50.00	TULARE CO SHERIFF'S OFFI	9	1 VENDOR CHECK
1138	1,737.84	PHELPS/KEVIN M	429	1

TOTALS FOR CHECK FORM: CHEK		COUNTS
NEGOTIABLE CHECKS		
1,737.84	*EMPLOYEE CHECKS	1
113.69	*VENDOR CHECKS	2
0.00	*BANK CHECKS	0
1,851.53	**TOTAL NEGOTIABLE CHECKS	3
OTHER CHECKS		
0.00	*MANUAL CHECKS	0
0.00	*CANCELLED CHECKS	0
1,851.53	**TOTAL FOR CHECK FORM	
NON-NEGOTIABLE CHECKS		
0.00	*DIRECT DEPOSIT STUBS	0
0.00	*VENDOR DIR DEP STUBS	0

PERIOD 2 DATING 3/01/2021- 3/14/2021 CHECK DATE 3/19/2021
DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ
48759	144.00	CLOCEA	4	1 VENDOR STUB ONLY
48760	728.00	EXETER POLICE OFFICER AS	3	1 VENDOR STUB ONLY
48761	219.66	EXETER POLICE OFFICER AS	3A	1 VENDOR STUB ONLY
48762	4,442.18	ENNIS/ADAM	206	1 STUB ONLY
48763	2,602.02	ONEAL/SHONNA N	203	1 STUB ONLY
48764	1,219.23	CARTER/AMY JO	502	1 STUB ONLY
48765	1,325.28	HERNANDEZ/XOCHITL	306	1 STUB ONLY
48766	440.96	SANCHEZ/CESILIA	307	1 STUB ONLY
48767	3,310.87	TAVAREZ/CHRISTOPHER	309	1 STUB ONLY
48768	1,909.63	FRANCO/EEKHONG	304	1 STUB ONLY
48769	1,305.50	CARRETERO/VANESSA	402	1 STUB ONLY
48770	2,221.43	CORREA/GABRIEL JR	436	1 STUB ONLY
48771	1,254.75	CULLUM/TRENT	444	1 STUB ONLY
48772	2,616.44	DURKEE/MARK	404	1 STUB ONLY
48773	1,392.91	EHEVARRIA/TYLER J	443	1 STUB ONLY
48774	2,480.90	FERNANDEZ/CESAR	434	1 STUB ONLY
48775	1,971.02	FRICK/JOCELYNN LEANN	433	1 STUB ONLY
48776	2,796.11	GIEFER/MICHAEL DAVID	438	1 STUB ONLY
48777	1,511.18	GUZMAN/TIMOTHY CHARLES	410	1 STUB ONLY
48778	3,258.09	HALL/JOHN T	406	1 STUB ONLY
48779	2,077.98	HAMPTON/JUSTIN	446	1 STUB ONLY
48780	2,812.33	INGLEHART/BRETT A	411	1 STUB ONLY
48781	1,931.08	KNOX/MARK	442	1 STUB ONLY
48782	414.54	MACLEAN/JANET L	413	1 STUB ONLY
48783	1,786.07	WALKER/PAUL	425	1 STUB ONLY
48784	2,406.50	YARBER/ISABEL	422	1 STUB ONLY
48785	1,063.25	ALDRIDGE/GARY	618	1 STUB ONLY
48786	1,395.13	ARROYO/MARIE	623	1 STUB ONLY
48787	1,428.21	BRASSFIELD/TRAVIS	619	1 STUB ONLY
48788	1,848.99	ESPINOLA/DANIEL M	602	1 STUB ONLY
48789	1,256.77	GOLDSTROM/NORMAN	629	1 STUB ONLY
48790	1,547.58	HUGGINS/KYLE AARON	621	1 STUB ONLY
48791	2,836.01	QUALLS/DAYMON	607	1 STUB ONLY
48792	1,316.50	RAMIREZ/JUAN	608	1 STUB ONLY
48793	533.38	WENDT/EDDIE	626	1 STUB ONLY
48794	1,315.53	MILLAN/MARCUS	622	1 STUB ONLY
48795	983.74	MILLER/JAMES	624	1 STUB ONLY
48796	615.46	MIRWALD/PHILIP	625	1 STUB ONLY
48797	1,184.32	QUIROZ/PATRICK P	512	1 STUB ONLY
48798	1,825.19	HAYES/CURTIS W	437	1 STUB ONLY

PAYROLL.....S BI-WEEKLY
CHECK FORM..CHEK CHECK REGISTER

RUN-03/31/2021 15.02.52 PAGE 1
PR311R-V14.11 Paymate

PERIOD 1 DATING 3/15/2021- 3/28/2021 CHECK DATE 4/02/2021
DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ
1139	63.69	CA STATE DISBURSEMENT UN	2	1 VENDOR CHECK
1140	50.00	TULARE CO SHERIFF'S OFFI	9	1 VENDOR CHECK
1141	1,877.88	PHELPS/KEVIN M	429	1

TOTALS FOR CHECK FORM: CHEK

NEGOTIABLE CHECKS			COUNTS
1,877.88	*EMPLOYEE CHECKS		1
113.69	*VENDOR CHECKS		2
0.00	*BANK CHECKS		0
1,991.57	**TOTAL NEGOTIABLE CHECKS		3

OTHER CHECKS

0.00	*MANUAL CHECKS		0
0.00	*CANCELLED CHECKS		0
1,991.57	**TOTAL FOR CHECK FORM		

NON-NEGOTIABLE CHECKS

0.00	*DIRECT DEPOSIT STUBS		0
0.00	*VENDOR DIR DEP STUBS		0

PERIOD 1 DATING 3/15/2021- 3/28/2021 CHECK DATE 4/02/2021
DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ
48799	144.00	CLOCEA	4	1 VENDOR STUB ONLY
48800	728.00	EXETER POLICE OFFICER AS	3	1 VENDOR STUB ONLY
48801	219.66	EXETER POLICE OFFICER AS	3A	1 VENDOR STUB ONLY
48802	4,436.93	ENNIS/ADAM	206	1 STUB ONLY
48803	2,602.02	ONEAL/SHONNA N	203	1 STUB ONLY
48804	1,219.23	CARTER/AMY JO	502	1 STUB ONLY
48805	1,325.28	HERNANDEZ/XOCHITL	306	1 STUB ONLY
48806	468.29	SANCHEZ/CESILIA	307	1 STUB ONLY
48807	3,305.62	TAVAREZ/CHRISTOPHER	309	1 STUB ONLY
48808	1,909.63	FRANCO/EEKHONG	304	1 STUB ONLY
48809	1,300.25	CARRETERO/VANESSA	402	1 STUB ONLY
48810	2,046.33	CORREA/GABRIEL JR	436	1 STUB ONLY
48811	1,377.16	CULLUM/TRENT	444	1 STUB ONLY
48812	2,616.44	DURKEE/MARK	404	1 STUB ONLY
48813	1,392.91	ECHEVARRIA/TYLER J	443	1 STUB ONLY
48814	3,006.51	FERNANDEZ/CESAR	434	1 STUB ONLY
48815	1,971.02	FRICK/JOCELYNN LEANN	433	1 STUB ONLY
48816	2,549.82	GIEFER/MICHAEL DAVID	438	1 STUB ONLY
48817	1,548.27	GUZMAN/TIMOTHY CHARLES	410	1 STUB ONLY
48818	3,252.84	HALL/JOHN T	406	1 STUB ONLY
48819	1,690.15	HAMPTON/JUSTIN	446	1 STUB ONLY
48820	2,667.85	INGLEHART/BRETT A	411	1 STUB ONLY
48821	1,803.46	KNOX/MARK	442	1 STUB ONLY
48822	661.19	MACLEAN/JANET L	413	1 STUB ONLY
48823	698.17	PRIDEAUX/TRACI	448	1 STUB ONLY
48824	2,760.78	WALKER/PAUL	425	1 STUB ONLY
48825	1,082.54	WALKER/PAUL	425	2 STUB ONLY
48826	2,401.25	YARBER/ISABEL	422	1 STUB ONLY
48827	900.26	ALDRIDGE/GARY	618	1 STUB ONLY
48828	1,389.88	ARROYO/MARIE	623	1 STUB ONLY
48829	1,315.46	BRASSFIELD/TRAVIS	619	1 STUB ONLY
48830	1,843.74	ESPINOLA/DANIEL M	602	1 STUB ONLY
48831	180.03	GOLDSTROM/NORMAN	629	1 STUB ONLY
48832	1,547.58	HUGGINS/KYLE AARON	621	1 STUB ONLY
48833	2,836.01	QUALLS/DAYMON	607	1 STUB ONLY
48834	1,501.00	RAMIREZ/JUAN	608	1 STUB ONLY
48835	284.46	WENDT/EDDIE	626	1 STUB ONLY
48836	1,055.31	MILLAN/MARCUS	622	1 STUB ONLY
48837	1,216.26	MILLER/JAMES	624	1 STUB ONLY
48838	660.60	MIRWALD/PHILIP	625	1 STUB ONLY
48839	1,179.07	QUIROZ/PATRICK P	512	1 STUB ONLY
48840	1,653.53	HAYES/CURTIS W	437	1 STUB ONLY

**City of Exeter
Agenda Item Transmittal**

Meeting Date: April 13, 2021

Agenda Item Number: H4

Wording for Agenda: Request that Council approve a vehicle purchase for a Community Services Officer in the amount of \$31,698.05 and authorize the City Administrator to execute an agreement with Monarch Ford, Exeter, CA, piggybacking the Department of General Services California Multiple Award Schedules (CMAS) contracted pricing.

Submitting Department: Police
Contact Name: Chief Hall
Phone Number: 592-3103 ext. 2001
Email: jhall@exeterpd.com

For action by:

City Council

Regular Session:

Consent Calendar

Regular Item

Public Hearing

Review:

**City Administrator
(Initials Required)**



Department Recommendation:

That Council approve a vehicle purchase for a Community Services Officer and authorize the City Administrator to enter into an agreement(s) for the purchase of the new vehicle for \$31,698.05 with Monarch Ford of Exeter.

Summary/Background:

At the March 23, 2021 City Council meeting, Council approved the Measure P Expenditure Plan which included \$50,000 for purchase of a vehicle for Code Enforcement duties, which is planned to be conducted by a Community Services officer position in the Police Department. Staff has identified the most suitable vehicle for this position to be a full size, extended cab pickup, equipped with a lift gate.

To keep as much business as possible going through local businesses, City Staff met with representatives from Monarch Ford to discuss their ability to meet the pricing listed in the Department of General Services California Multiple Award Schedules (CMAS) competitively bid agreements. Monarch Ford staff readily agreed to meet the CMAS pricing for the vehicle.

Monarch Ford has provided a quote of \$31,698.05 for a 2021 Ford F150 Supercab 4X2 pickup, equipped with a lift gate. The Monarch Ford base price for the vehicle is below the current CMAS pricing. This will provide the base vehicle to be used to provide the services. Additional equipment needed will include lights, radio and graphics along with miscellaneous equipment at an estimated cost of about \$10,000 to \$14,000, bringing the total final cost to about \$42,000 to \$46,000.

Fiscal Impact:

Funds are from Measure P approved by voters in November 2020 and were approved by City Council in the 2020/2021 Budget on March 23, 2021 for the purchase and subsequent equipping of this vehicle. (CIP #140.404.074.044)

Prior Council/Board Actions: On March 23, 2021 City Council approved the Measure P Expenditure Plan and Budget which included appropriation of funds for the purchase and equipping of a dedicated vehicle for Code Enforcement services, which is planned to be provided through a Community Services Officer position in the Police Department.

Attachments: Copy of the quote provided by Monarch Ford.

Recommended motion to be made by Council/Board: I move to approve the purchase of a vehicle in the amount of \$31,698.05 and authorize the City Administrator to execute an agreement with Monarch Ford, Exeter, CA piggybacking the Department of General Services CMAS contracted pricing.



**MONARCH
FORD**



**CITY OF EXETER
2021 F150 SUPERCAB 4X2
STOCK #: X1C
SALESPERSON: CHANCE GERNHARDT
4/7/2021 10:41 AM**

This presentation is designed to provide an example of various finance options that may be available. Incentive programs, Rebates, Rates, Terms and Payments are estimates, subject to change and are impacted by individual credit history and subject to credit approval and program verification. Specific details will be provided when an alternative or alternatives are selected.

Cash Deal Structure

Market Value	37,000.00
Discount Savings	-12,416.00
Vehicle Price	24,584.00
Accessories	4,443.00
Document Prep Fee	85.00
License / Title	30.00
Tire/Battery/VTR Fee	8.75
Sales Tax	2,547.30
Due On Delivery	31,698.05
Tax: 8.75% PROFILE	8.75 %

On Approved Credit - APR and Payment may vary based upon Credit History, Down Payment and Lender Approval. Vehicle Price does not include Accessories. Vehicle Price is before Taxes and/or applicable fees. Tax Profile: 8.75% Profile

Cash Total includes: 1300 LB LIFT GATE \$4443

City of Exeter Agenda Item Transmittal

Meeting Date: April 13, 2021

Agenda Item Number: H5

Wording for Agenda: Authorize the City Clerk to amend Resolution 2021-04 with non-substantive changes required for submittal of a 2021 Community Development Block Grant (CDBG) Application for \$500,000 to be used for Housing Rehabilitation and up to \$250,000 for Planning and Technical Assistance for a Sewer Master Plan Update

Submitting Department: Finance
Contact Name: Chris Tavarez, Finance Director
Phone Number: 559-592-2755
Email: ctavarez@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 Council authorize the City Clerk to amend Resolution 2021-04 with non-substantive changes required for submittal of a 2021 CDBG Application for \$500,000 to be used for Housing Rehabilitation and up to \$250,000 for Planning and Technical Assistance for a Sewer Master Plan Update.

Summary:

Resolution 2021-04 was approved by Council on March 23, 2021, but minor wording amendments are needed to incorporate updated template modifications by the grant agency. The amount and scope of the projects to submit for remain the same.

City staff proposes to apply for CDBG funds for Housing Rehabilitation for up to the maximum available amount of \$500,000 and a Planning & Technical Assistance grant to update the City's Sewer Master Plan for up to \$250,000. The application to receive these funds is due by April 30, 2021. Self-Help Enterprises (SHE) has been retained for preparing grant applications and is currently partnered with the City on administration of other similar projects, as they provide experience on requirements for submission of program applications.

In discussion with Self-Help Enterprises and community stakeholders, Housing Rehabilitation has been identified as a potential area of need for residents in the City of Exeter. Due to the current low supply of housing and the City having other available funds for First Time Home Buyers, this funding would be best utilized for existing low and moderate-income homeowners in need of assistance on rehabilitation of their homes. The Owner-Occupied Rehabilitation Program offers income eligible persons financing, also in the form of a zero interest, 30 year deferred payment loan, to accomplish any of the following: the repair, rehabilitation, or reconstruction of single-family residential units. The maximum loan amount will be \$190,430. Should CDBG Program Income be available, up to \$150,000 will be committed to further the proposed 2021 CDBG Application activity of Housing Rehabilitation.

In addition, the City has identified a need for a comprehensive Sewer Master Plan Update. To promote adequate community development, including housing projects within the City, it is important that a Sewer Master Plan Update be completed to ensure that needed improvements are identified, planned and budgeted. If awarded, this funding will provide the gap funding in order for the City to continue to deliver necessary sewer repairs, maintenance and improvements without creating additional deferred needs.

Background:

A public notice was published in the March 10, 2021 issue of The Sun-Gazette notifying the public of this public hearing. Council approved application of this funding on March 23, 2021 and today's authorization amends Resolution 2021-04 to incorporate minor updates required by the grant agency.

On January 29, 2021, HCD released a Notice Of Funding Availability (NOFA) announcing the availability of CDBG Program funds of approximately \$30 million from the 2021 funding allocation. Competitive applications are due on April 30, 2021 and the Over-the-Counter (OTC) Application will be due May 31, 2021.

Eligible activities predominantly benefit low- and moderate-income Californians and include: Housing Assistance Programs (Single-Family Homeownership Assistance, and Single-Family Housing Rehabilitation); Public Facility and Public Improvements projects (including Public Improvements in Support of New Housing Construction); Public Service programs, Planning Studies, Economic Development Business Assistance and Microenterprise activities. The City may apply for a maximum of \$1,500,000 for up to three activities. In a separate application, the City has recently submitted for CDBG Coronavirus 2 & 3 funding for economic business assistance of up to \$300,000.

Fiscal Impact: Previously budgeted funds in the Sewer Fund (107) and Housing Fund (116) are proposed to cover the costs of preparation and submission of these applications. The cost for preparation of the CDBG application by Self-Help Enterprises is a total of \$4,000 to be paid for out of the City's Housing Fund (116) for \$2,500 (Expense line item #116.502.012.000) for the Housing Rehabilitation Application and Sewer Fund (107) to pay \$1,500 for the Sanitary Sewer Master Plan Update Application. In addition, QK (City Engineer) is estimated to have approximately \$5,000 in fees to prepare information for submittal of the Sewer Master Plan Update Application, this and SHE's costs will be paid for out of the Sewer Fund (CIP # 107.441.080.015).

Administration of the Housing Rehabilitation Program will be done by Self-Help Enterprises under their existing agreement with the City and will be paid for out of first any available CDBG program income and then 13% of the \$500,000 grant allowed for administration. Costs for administration of the Sanitary Sewer Master Plan Update will be paid from the Sewer Fund, if received, this CDBG funding will provide the necessary gap funding to allow the City to deliver a master plan update and still pursue critical sewer capital projects.

Prior Council/Board Actions: March 23, 2021 – Adoption of Resolution 2021-04

Attachments: Resolution 2021-04, Authorization for 2021 CDBG Application (Amended)

Recommended motion to be made by Council/Board: I move to authorize the City Clerk to amend Resolution 2021-04 with non-substantive changes as required for grant application.

RESOLUTION 2021-04

A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2021 FUNDING YEAR OF THE STATE CDBG PROGRAM

BE IT RESOLVED by the City Council of the City of Exeter as follows:

SECTION 1:

The City Council has reviewed and hereby approves the submission to the State of California of one or more applications in the aggregate amount, not to exceed, of \$750,000 for the following CDBG activities, pursuant to the January 2021 CDBG Notice of Funding Availability (NOF A):

- | | | |
|----|--|-----------|
| a. | General Program Administration/
Housing Rehabilitation | \$500,000 |
| b. | Planning and Technical Assistance/
Sewer Master Plan Update | \$250,000 |

SECTION 2:

The City hereby approves the use of Program Income in an amount not to exceed \$150,000 for the CDBG activities described in Section 1 above.

SECTION 3:

The City acknowledges compliance with state and federal public participation requirements in the development of the application.

SECTION 4:

The City hereby authorizes and directs the City Administrator or Finance Director to execute and deliver all applications and act on the City's behalf in all matters pertaining to all such applications.

SECTION 5:

If an application is approved, the City Administrator, or designee, is authorized to enter into, execute and deliver the grant agreement (i.e., Standard Agreement) and any and all subsequent amendments with the State of California for the purposes of the grant.

SECTION 6:

If an application is approved, the City Administrator or Finance Director is

authorized to sign and submit Funds Requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the grant.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Exeter held on March 23, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By: _____
Barbara Sally, Mayor
City Council

ATTEST:

By: _____
Shonna Oneal, City Clerk

**City of Exeter
Agenda Item Transmittal**

Meeting Date: April 13, 2021

Agenda Item Number: 11

Wording for Agenda: Give a Revised 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)**



Department Recommendation:

Staff recommends that Council give a revised 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:

At the City Council meeting of February 23, 2021, a Public Hearing was held, and Council gave 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.

At that meeting Council raised concerns about the potential effect the ordinance amendments would have on residents being able to park "pickup style" take-home work vehicles at their homes. After further review and discussion, staff concluded that some of the definitions in the proposed amendments would create an undue hardship on residents by restricting the ability to park this type of take-home work vehicle at their home. For this reason, staff modified the ordinance language to allow for "pickup style" take-home work vehicle parking. The language modifications will accommodate residents who have "pickup style" work vehicles, while still preventing larger commercial vehicles from being parked on the streets.

The italicized areas below show the modifications that were made:

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 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.*

(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.

In addition to the above referenced amendments, further clarification was needed in sections 10.16.010, 10.16.020, 10.16.030 and 10.16.040 regarding the direction of traffic flow in alleys located in Blocks 20, 21, 28, 29, 40, and 41 (the downtown area).

Because the amendments will change how the ordinance operates and applies to certain vehicles, it is considered a substantive change. For this reason, a revised first reading must be given. However, there is no need to hold another public hearing.

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

Prior Council/Board Actions: February 23, 2021 – A Public Hearing was held, and Council gave first reading of amended Ordinance 696.

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

Recommended motion to be made by Council/Board: I move to give a revised 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.

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.

(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, curbs, curbs, 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:

--- (2) ---

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:

--- (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 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:

--- (4) ---

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, 21, 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 Blocks 20, 21, 29, and 40~~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~~ and all vehicles on any such alley in Blocks 28 and 41 shall be moved only from the southeast to northwest 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 in blocks 20, 21, 29 and 40, and except from the south end of such alley in blocks 28 and 41.

(Ord. 158 §2, 1948).

10.16.030 - Signs.

There shall be erected at the north entrance to each of the five alleys in blocks 20, 21, 29 and 40 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 in blocks 20, 21, 29 and 40 a sign upon which shall appear the words "Exit Only — ~~Do Not Enter~~"; There shall be erected at the south entrance to each of the alleys in blocks 28 and 41 mentioned in Section 10.16.010, a sign upon which shall appear the words "One Way," and there shall be erected at the north end of each of the alleys in blocks 28 and 41 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 Blocks 20 and 21, 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 Departmentcity-clerk.

(Ord. 275 §4, 1970).

10.20.060 - Signs-Posting.

The city council shall by resolution instruct the Public Works Departmentchief-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 Departmentchief-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 VEHICLES⁽⁵⁾

Sections:

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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, 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. 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 curbside, driveways, in the city for any continuous period exceeding two hours, except as otherwise provided in this chapter, under 10.28.020 - Exceptions.~~

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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.

~~D. Vehicles parked completely in the driveway of a residence, behind the fenced yard of a residence, or in an otherwise enclosed structure at the residence.~~

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(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 §22651(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 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.

(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 eChief of pPolice 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 eChief of pPolice 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 eChief of pPolice 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 pPolice. If the owner of the land on which the vehicle is located files with the eChief of pPolice 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 eChief of pPolice 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 eCity Ceouncil or the board of Ssupervisors, and the cost of removal as determined by the Ceity eCouncil in accordance with Section 10.40.030. The eChief of pPolice 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 pPolice 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 eChief of pPolice. The eChief of pPolice 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 eChief of Ppolice 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 eChief of Ppolice 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 eChief of pPolice 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 eChief of Ppolice 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 eChief of pPolice 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 eChief of pPolice 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 eChief of pPolice 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 eChief of pPolice was mailed to the interested parties, the eChief of pPolice 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 eChief of pPolice 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 eChief of pPolice 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 eChief of pPolice 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 Cehief of pPolice created by this chapter. No such agreement shall effect the duty of the eChief of Ppolice to conduct the hearing prescribed by Section 10.40.100.

(Ord. 318 §5, 1974).

10.40.180 - Entering property.

- A. The Cehief of Ppolice, 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 eCity 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 PROPERTY²⁷

Sections:

Footnotes:

--- (7) ---

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⁽²⁾

Sections:

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Footnotes:

~~(8)~~

~~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.~~

~~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 cCity 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 gGeneral Fund of the cCity.

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

10.48.060 Business of buying or selling bicycles.

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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 cCity 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;

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 property licensed. All such fees collected shall be paid into the ~~general fund of the~~ 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 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.

(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 NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF EXETER 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 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.

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 therefor, 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:

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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 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, 21, 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 Blocks 20, 21, 29, and 40 shall be moved only from the northwest to the southeast, and all vehicles on any such alley in Blocks 28 and 41 shall be moved only from the southeast to northwest 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 in blocks 20, 21, 29 and 40, and except from the south end of such alley in blocks 28 and 41.

10.16.030 - Signs.

There shall be erected at the north entrance to each of the alleys in blocks 20, 21, 29 and 40 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 alleys in blocks 20, 21, 29 and 40 a sign upon which shall appear the words "Exit Only – Do Not Enter". There shall be erected at the south entrance to each of the alleys in blocks 28 and 41 mentioned in Section 10.16.010, a sign upon which shall appear the words "One Way," and there shall be erected at the north end of each of the alleys in blocks 28 and 41 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 Blocks 20 and 21, 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 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.

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 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 whom 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 effect 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:

--- (7) ---

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.

10.48 [RESERVED.]

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

**City of Exeter
Agenda Item Transmittal**

Meeting Date: April 13, 2021

Agenda Item Number: 12

Wording for Agenda: Review of applications for appointment to City Council vacancy in District D and make appointment or direct staff on additional procedure to make appointment.

Submitting Department: Administration
Contact Name: Shonna Oneal, Adam Ennis
Phone Number: 592-9244, 592-4539
Email: soneal@exetercityhall.com
adam@exetercityhall.com

Department Recommendation:

Staff recommends that Council review applications for appointment to City Council vacancy in District D and make appointment or direct staff on additional procedure to make appointment.

Summary:

On March 23, 2021, Council declared the vacancy for District D and directed staff to solicit applications for appointment to the vacancy. Three applications, from Steve Garver, Vickie Riddle and Alicia Handley, were received by the application deadline of April 7, 2021. The three applications are attached for review. The two primary options for Council would be to review the submitted applications and either; 1) make an appointment to the vacancy at this time or 2) direct staff on additional procedures to be taken, such as conducting interviews with the applicants by either Council subcommittee or by the entire Council at either the April 27th or May 11th Council meetings with an appointment made at one of those meetings. To meet the 60-day Government Code requirement an appointment would have to be made by May 14, 2021.

Background:

The City has not designated a process for backfilling a vacancy created mid-term so the process requirements are dictated by general law. Government Code 36512 specifies how general law cities fill vacancies. Within 60 days of the creation of the vacancy, the City Council must either fill by appointment or call a special election. If the Council calls a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election, which would be June of 2022. A person elected to fill a vacancy by special election would hold office for the remainder of the unexpired term of the former incumbent, which would be until November 2022. This option would cost the City unexpected election costs likely being several thousand dollars.

The other option to fill the Council vacancy is by appointment within 60 days of the vacancy. Since the vacancy occurred in the second half of the term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the council is notified of the vacancy (November 2022). The person appointed to fill the vacancy shall hold office for the unexpired balance of the term of office (November 2022). If Council selects appointment, the candidate must reside in District D, which is the district where the vacancy exists.

For action by:

City Council

Regular Session:

Consent Calendar

Regular Item

Public Hearing

Review:

**City Administrator
(Initials Required)**



The Council had the option of simply appointing a candidate to the vacancy or accepting applications for review, possibly including interviews, and then making an appointment. To meet the required 60-day deadline Council directed staff to take applications from March 24 through April 7. The Council can now review and consider the applicants at this April 13th Council meeting. If the Council desires to interview the applicants, the interviews could occur between April 13 and April 27 and appointment be made at the April 27 or May 11 Council meeting. This schedule would meet the 60- day deadline of May 14, 2021. Council could consider options for the interviewing of applicants, including interviews conducted by a Council subcommittee or the entire Council conduct the interviews at the April 27 or May 11 Council meeting and then make the selection at the same meeting.

Fiscal Impact: Only minor fiscal impact for the appointment option and likely several thousand dollars for the special election option.

Prior Council/Board Actions: Declaration of District D Vacancy at the March 23, 2021 Council meeting.

Attachments:

- 1.) Steve Garver Application
- 2.) Vickie Riddle Application
- 3.) Alicia Handley Application

Recommended motion to be made by Council/Board:

I move to:

1) Either:

- A) Make an appointment
- B) Conduct interviews by either
 - i) Council subcommittee
 - ii) By the entire Council at the April 27th, or May 11th meeting

4) If interviews conducted:

- A) Make the appointment at either the April 27th or May 11th Council meeting.

CITY OF EXETER



MAR 29 RECD

100 North C Street – P.O. Box 237 - Exeter, CA 93221
(559) 592-9244 - Fax (559) 592-3556

City Council Vacancy – Application for Consideration

Name: Steven Garver Date: 26 March 2021

Street Address: _____, Exeter, CA 93221

Mailing Address: Same

Phone: (559) _____ Email: s _____

How long have you lived in Exeter? 60+ years

Occupation: Retired/Teacher-Intern Supervisor

Professional and/or Community Activities: Baseball/coach

Signature: Steven Garver

On a separate sheet, please provide a statement (no more than a single page) that describes your interest in the position, the knowledge/skills/abilities that you feel make you a strong candidate for the position, and any additional information that you think will be helpful in evaluating your suitability for the position.

Please return by April 7, 2021 to:

In Person: 137 North F Street, Exeter (10:00 a.m. – 2:00 p.m. Monday through Friday)

Mail: City of Exeter, Attn: City Clerk, P.O. Box 237 Exeter, CA 93221

Email: soneal@exetercityhall.com

26 March 2021

To Whom it may concern,

My name is Steven Garver and this letter is accompanying my application for the vacant city council seat in District D. I have lived at 226 South D Street in Exeter since 1986, on the west side of the street. I was born and was raised in Exeter and, excluding a few years in college and after college, have lived in Exeter all my life. I am a third generation Exeter Union High School graduate, and taught and coached at EUHS for 30 years. I have strong ties to the community.

I believe I bring a unique set of skills to the table that would make me a valuable addition to the city council. My father was a civil engineer and from an early age my brother and I were his assistants. My father thought it important to explain to us the job we were doing as well as all the issues that might come to bear in the task. We learned about farming as we were doing the surveying to level the field. We learned about water movement in an orchard. We learned about housing and subdivisions as we were surveying and splitting a land parcel. Eventually my brother and I would do the outside work together and our father would do the inside mathematical work, though he didn't let us get away without learning the math involved.

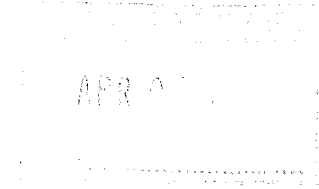
In college I studied English with an eye towards teaching. I took a circuitous route but eventually that is where I spent the majority of my career. Before earning my teaching credential, I spent over 2 years as an engineer's assistant and hydrographer at the Tulare Irrigation District. There I learned the finer details in engineering, moving water, as well as the tug and pull of land development between cities and farmers.

Later I felt another pull and returned to school to get my teaching credential. I taught for 31 years, 30 at EUHS. Primarily I taught English, but I taught a variety of subjects including Basic Math, Photography, P.E. and Crafts. I coached baseball for over 30 years and water polo.

After retiring from teaching I have spent five summers working in Sequoia National Park for the Sequoia Parks Conservancy. I gave cave tours in Crystal Cave, reenacted historical park figures and worked as a naturalist.

All of these have helped me appreciate the place we live. I think that is what is guiding me to apply for this opening most of all. I believe Exeter is a wonderful city to live in and visit. I'd like others to have the same thoughts. I want to work to help Exeter present the best of itself to others.

CITY OF EXETER



100 North C Street – P.O. Box 237 - Exeter, CA 93221
(559) 592-9244 - Fax (559) 592-3556

City Council Vacancy – Application for Consideration

Name: Vicki Riddle Date: 3/25/21

Street Address: _____

Mailing Address: _____

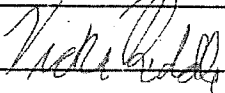
Phone: _____ Email: _____

How long have you lived in Exeter? 29 years

Occupation: Retired, Full time volunteer

Professional and/or Community Activities: Volunteer at Pink Ladies, Exeter Cemetery Trustee,

Tulare County Youth Commissioner District 1, EUHS on campus volunteer

Signature: 

On a separate sheet, please provide a statement (no more than a single page) that describes your interest in the position, the knowledge/skills/abilities that you feel make you a strong candidate for the position, and any additional information that you think will be helpful in evaluating your suitability for the position.

Please return by April 7, 2021 to:

In Person: 137 North F Street, Exeter (10:00 a.m. – 2:00 p.m. Monday through Friday)

Mail: City of Exeter, Attn: City Clerk, P.O. Box 237 Exeter, CA 93221

Email: soneal@exetercityhall.com

Vicki Riddle

Exeter, Ca 93221

3/26/2021

Dear Exeter City Council Members,

What an honor it is to submit my application to you. Mary Waterman-Philpot has been in communication with me regarding the vacancy she is leaving.

First, Mary is an amazing woman with great fortitude. I hope the best for her and we will all be sad to see her departure.

I am asking for your consideration for appointment to represent the vacancy left by Ms Waterman-Philpot, Exeter's District D.

I love our town and I am especially passionate about our youth. For the last twenty years I have served as a civic volunteer in many capacities within our community and currently I hold two supervisory appointments as Exeter District Cemetery Trustee and Tulare County Youth Commissioner.

I also serve as an elected representative for Tulare County Republican Central Committee however I would resign from this position to serve to the best of my ability the people of Exeter and fellow council members.

I am told that my personality is pleasant and I am easy to work with. I would be eager to roll up my sleeves and work hard for our great town!

I hope to hear from you soon,

Yours sincerely,
Vicki Riddle

Vicki Riddle, RN, M.Ed.

OBJECTIVE

Seeking a position on Exeter City Council District D.

RECOMMENDATION & ENDORSEMENTS

“I enthusiastically recommend Vicki Riddle for Exeter City Council District D.”

Senator Shannon Grove, 16th State Senate District, March 25, 2021

Endorsed by: Devon Mathis, California State Assembly, 26th District, Former Exeter Mayor Robyn Stearns; Rosemary and Mark Hellwig, Exeter School Board; and Jack Stout, Legislative Correspondent for U.S. Congressman Devin Nunes, former EUHS graduate.

EDUCATION & CERTIFICATIONS

- East Central University, Ada, Oklahoma – Bachelor of Arts, Bachelor of Science, Masters in Education
- State of Oklahoma Teaching Credential – Masters in Education with a Vocational Tech Certificate.
- Registered Nurse, California Board of Registered Nursing, License Number 320714
(License is current and in good standing with the California Board of Registered Nursing including required Live Scan.)

PROFESSIONAL EXPERIENCE

Registered Nurse, Various Medical Facilities (1980-2010)

Worked as a critical care nurse, risk manager, and quality manager for Medicare-licensed and occupational health facilities for 30 years. Also worked as an instructor in Basic Cardiac Life Support (BCLS).

CIVIC EXPERIENCE

PASS Club (Parent Athletic Student Support)

Started EUHS Football Boosters Club in 2003

Pink Ladies: Exeter Community Service Guild

Volunteering weekly for 5 years

2019 California Republican Woman of the Year

Reference: Nam-Yong Horn, email

2018 Tulare County Youth Commissioner District I (2019-2024)

Reference: Tulare County Supervisor Kuyler Crocker

Exeter Cemetery District Trustee (2019-2024)

Reference: Tulare County Supervisor Kuyler Crocker

Exeter Woman's Club President 2014-15, again 2017-19

ADDITIONAL REFERENCES

- Reference: Devon Mathis, California Assemblyman,
(Note: Personal cell. Prefers text following identifier)
- Reference: Tim Ward, County of Tulare District Attorney, Email
- Mark Hellwig, EUHS Board Member email: mhellwig@hellwigproducts.com

PERSONAL ACCOMPLISHMENTS & INTERESTS

- Exeter Union High School Volunteer (2002-present) – Yearly background and finger print maintained in good status
- Ballet/Rhythms Instructor, Mt. Lassen Family Camp (2016)
- Exeter Community Service Guild Volunteer (2015-present)
- Royal Academy of Ballet – Owner/operator of ballet studio throughout college/graduate school

March 26, 2021

To the Exeter City Council,

I am writing to you on behalf of Vicki Riddle and her quest to be on Exeter City Council. I've known Vicki for many years, she is a unique individual with a heart of gold. Vicki is the kind of person you want on your team. She will give 100% on everything she does. She has more energy than any person I've ever met!

As we all know being on City Council is a labor of love, you have to love the town of Exeter and want to see it continue as the "Mayberry" we all love. Well Vicki is your person for this job! She has been so involved in Exeter from the moment she landed here. She has been a member and President of the Exeter Women's club, she has been a member of Pink Ladies and what I most appreciate about Vicki is her enthusiasm for our youth. She started the High School Young Republican's club years ago. Might I add at her own expense. She has tirelessly given to these kids, bought them pizza for every meeting and took them to local events. Over the last year or so she started the Junior High Young Republicans club also. She has been so helpful and encouraging to the youth of our town!

I truly hope you consider Vicki for this position. She will give and give to our community and that's exactly what we all want in a City Councilperson.

Sincerely,

Robyn Stearns
Former Mayor of Exeter
City Council 2008-2016

Rosemary & Mark Hellwig

Exeter, Ca 93221

March 25, 2021

Re: City Council Vacancy, District D

Vicki Riddle

We have known Vicki Riddle for over 17 years and neighbors for 4. Vicki is passionate about everything she gets involved in and we would love to have her represent us in our Exeter City Council District.

She listens and is able to bring a new perspective to anything she gets involved in. Her love for her community is contagious and she would be a great addition to the Council.

With best regards,

Mark Hellwig,

Rosemary Hellwig,

Jack Stout

March 26, 2021

Dear Exeter City Council,

It is with great pleasure that I recommend Vicki Riddle for the Exeter City Council Member District D seat. Vicki and I have worked together on political and community projects extensively throughout the years. I currently work in Washington D.C. as the Legislative Correspondent for our Congressman Devin Nunes. I am quite certain I would not be where I am today if it were not for Ms. Vicki Riddle.

I first met Vicki in her role as the EUHS Young Republicans Advisor in 2013, as I had just been elected club President. While Vicki was not a faculty member of EUHS, she was arguably one of the most involved club advisors on campus; often using extensive amounts of her own time and resources to provide an educational and community-altering experience. She did so to empower young and ambitious students to use their voices for good cause and positive change. Her involvement in the success of the students she mentors goes well beyond high school and she remains an integral part of many of their lives, including mine.

The city and community of Exeter is beyond fortunate to have someone so invested in the success of their hometown. Truly, one of the most positive people I have ever met, Vicki Riddle continues to exceed my expectations when it comes to clarity and guidance in times of great need. Vicki is a pillar of strong morals and inclusivity that speaks for itself. If you know Vicki on a personal level like I do, you know how dedicated and persevered she is towards anything she sets her mind to.

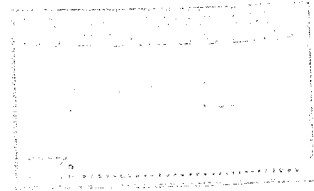
Exeter will always be my small-town home, which is why I wanted to be a part of the team representing our town at the federal level. I certainly get homesick at times, because of course, it is Exeter. However, knowing that Ms. Riddle could be a council member of our beautiful town, specifically in the district that serves my family's businesses and my sister's home, is a comforting and exciting feeling. I could not imagine anyone better equipped for this position.

If you have any further questions, please do not hesitate to call me, 559.805.8678.

Best,

Jack Stout

CITY OF EXETER



100 North C Street – P.O. Box 237 - Exeter, CA 93221
(559) 592-9244 - Fax (559) 592-3556

City Council Vacancy – Application for Consideration

Name: Alicia Handley Date: 4/6/21

Street Address: _____, _____, Exeter CA 93221

Mailing Address: _____, _____, Exeter CA 93221

Phone: 559 _____ Email: _____

How long have you lived in Exeter? 43 years - with a few years in Visalia
Came back to Exeter to raise kids.

Occupation: Director of Relentless Wow, Harvest Wealth Group

Professional and/or Community Activities: Grinch Street Committee, Board Member at

Church of God of Exeter, School Site Council - Lincoln School

Signature:

On a separate sheet, please provide a statement (no more than a single page) that describes your interest in the position, the knowledge/skills/abilities that you feel make you a strong candidate for the position, and any additional information that you think will be helpful in evaluating your suitability for the position.

Please return by April 7, 2021 to:

In Person: 137 North F Street, Exeter (10:00 a.m. – 2:00 p.m. Monday through Friday)

Mail: City of Exeter, Attn: City Clerk, P.O. Box 237 Exeter, CA 93221

Email: soneal@exetercityhall.com

April 6th, 2021

Hello Exeter City Council Members and the Citizens of Exeter,

My name is Alicia Handley, and I would like to submit my application for the vacancy in District D that Mrs. Mary Philpot previously filled. Mary has gone above and beyond in her call to serve us, and I wish her all the best as she gives her full attention to matters even more important than any public role can be.

Exeter has been my hometown for over 40 years. My children have come up through the Exeter Union School System.

I worship here.

I shop here.

I dine here.

Exeter is my home.

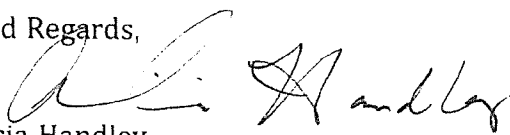
So much so that I felt pressed to volunteer to sit on the Measure P Committee that helped bring our first sales tax to our city. I am very proud of this as I can already see the rebounding of tourism during the week along Pine Street, so it's only a matter of time that we will reap the benefit of this vital measure.

I know many of the hardworking families that reside in my District. I have found that our biggest challenge is taking the time to get involved in our local government's nitty-gritty. We need to take sober looks at our challenges; understand that complaining from the armchair with no action will not bring one ounce of value to our BEAUTIFUL City. The hard work is in the crucial conversations, activities, and accountability to one another.

I believe that I will bring a fresh outlook to the Council. I have years of experience in working in environments where confidentiality is a legal requirement. I have experience with State Budgets and Payroll, having worked for Visalia Unified School District. My years in various volunteer roles here in Exeter have created a strong desire to serve great citizens of Exeter, representing District D as we **Protect, Preserve and Promote Small Town America**.

Thank you for your consideration. I look forward to your decision.

Kind Regards,



Alicia Handley