



Code Enforcement Board
Of Appeals Agenda
November 13, 4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENTS FROM THE AUDIENCE NOT ON THE AGENDA

D. BUSINESS

1. Approval of Minutes of October 9, 2014 Code Enforcement Board Meeting – Page 1
 - a. Board – Review / Discussion / Action

2. Review Current Parking Regulations – Page 4

Date of Adoption
Review language
Discuss changes

 - a. Staff Report
 - b. Public Comments
 - c. Board – Review / Discussion / Action

3. Review of All Code Enforcement Documents – Page 29

Implementation of New Enforcement Management Software
Review of Existing Process
Notice of Violation
Notice of Citation
Any Other Forms

 - a. Staff Report
 - b. Public Comments
 - c. Board – Review / Discussion / Action

4. Proposed Code Enforcement Board of Appeals Powers and Board Process – Page 30
 - a. Staff Report
 - b. Public Comments
 - c. Board – Review / Discussion / Action

5. Review Updated Code Enforcement Activity Report – Page 42
 - a. Staff Report
 - b. Public Comments
 - c. Board – Review / Discussion / Action

6. Board Member Appointments – Page 43

Evans Resignation
Kilgore Resignation

 - a. Staff Report
 - b. Public Comments
 - c. Board – Review / Discussion / Action

E. ADJOURNMENT

The City of Greenfield does not discriminate on the basis of disability in the admissions or access to, or treatment of or employment in, its programs or activities. Disability-related aids or services, including printed information in alternate formats, to enable persons with disabilities to participate in public meetings are available by contacting the City Clerk Office at 813-674-5591 arathbun@ci.greenfield.ca.us.



Your courtesy is requested to help our meeting run smoothly. If you will be kind enough to follow the rules of conduct for public participation in City Council meetings, we can make the best possible use of your time and ours. Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering and any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be requested to leave the meeting. **Please turn off cell phones and pagers.**

This agenda is dually posted outside City Hall and on the City of Greenfield web site: www.ci.greenfield.ca.us

City of Greenfield
Code Enforcement Board of Appeals
Minutes
October 9, 2014

CALL TO ORDER

Chair Bautista called the meeting to order at 4:05 pm.

ROLL CALL

Present: Chair Jessica Bautista, Board Members Avelina Torres and Juergen Smith

Absent: Rodney Evans and James Kilgore

Staff: City Manager Stanton, City Attorney Diaz, Code Enforcement Officer Carrera and Deputy City Clerk Gomez

Guest: Nora Puga, Stephanie Garcia and Jose Gallegos

PUBLIC COMMENTS FROM THE AUDIENCE/STAFF ON ITEMS NOT ON THE AGENDA

Nora Puga, 242 Del Ponte Drive, commented that she had sent various emails to Code Enforcement Officer Carrera about vehicles in her neighborhood. She was pleased to see that those vehicles were removed.

Stephanie Garcia, 394 Thorp Avenue, had some concerns but was not sure if she should address them with the Code Enforcement Board or City Council. City Manager Stanton addressed her concerns. Stephanie Garcia felt that some of the Animal Control issues should be handled by Code Enforcement.

Jose Gallegos asked for information on the Code Enforcement Board process and when it was created. City Manager Stanton addressed his concern.

AUGUST 14, 2014 CODE ENFORCEMENT MINUTES

A MOTION by Board Member Torres, seconded Board Member Smith to approve the August 14, 2014 Code Enforcement Minutes. All in favor. Motion carried.

REVIEW OF CURRENT PARKING REGULATIONS

City Manager Stanton and City Attorney Diaz gave the staff report.

Chair Bautista opened public comment at 4:46 pm.

Jose Gallegos wanted information regarding a letter he submitted to the City regarding the proposed changes. City Manager Stanton stated she was familiar with his issue and addressed his concern.

Chair Bautista closed public comment at 4:51 pm.

A MOTION by Chair Bautista, seconded by Board Member Smith to approve the proposed changes included in attachment #2 for City Council Approval. All in favor. Motion carried.

REVIEW OF ALL CODE ENFORCEMENT DOCUMENTS

City Manager Stanton gave staff report.

Chair Bautista opened public comment at 4:58 pm.

No comments were received.

Chair Bautista closed public comment at 5:03 pm.

No action was taken. This item was only informational.

PROPOSED CODE ENFORCEMENT BOARD OF APPEALS POWERS AND BOARD PROCESS

City Manager Stanton gave staff report. City Attorney Diaz reviewed and discussed the proposed ordinances regarding the Code Enforcement Board of Appeals Powers.

Chair Bautista opened public comment at 5:04 pm.

Mr. Gallegos asked for clarification on what was being amended and or proposed. City Attorney Diaz clarified the proposals/amendments.

Chair Bautista closed public comment at 6:14 pm.

No action was taken. This item was only informational.

REVIEW UPDATED CODE ENFORCEMENT ACTIVITY REPORT

City Manager Stanton gave staff report.

Chair Bautista opened public comment at 6:28 pm.

Mr. Gallegos asked Code Enforcement Officer Carrera what the process was for reporting a complaint.

Code Enforcement Officer Carrera informed him of the process.

Chair Bautista closed public comment at 6:44 pm.

No action was taken. This item was only informational.

BOARD MEMBER APPOINTMENTS

City Manager Stanton gave staff report. She informed the Board James Kilgore and Rodney Evans had resigned.

Chair Bautista opened public comment at 6:46 pm.

No comments were received.

Chair Bautista closed public comment at 6:47 pm.

No action was taken. This item was only informational.

CODE ENFORCEMENT MANAGEMENT

City Manager Stanton gave staff report.

Chair Bautista opened public comment at 6:57 pm.

No comments were received.

Chair Bautista closed public comment at 6:58 pm.

No action was taken. This item was only informational.

ADJOURNMENT

Meeting adjourned at 6:59 pm.

Chair of Code Enforcement Board

Secretary of Code Enforcement Board



City Manager Memorandum

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

DATE: November 10, 2014

TO: Code Enforce Board of Appeals

FROM: Susan A. Stanton, ICMA-CM
City Manager

RE: City Parking Regulations

At the meeting of October 9th, the Code Enforcement Board viewed the city parking regulations; however, staff placed this item on the agenda for further discussion.

The City's Parking ordinance has not been revised on parking issues that have been identified since the employment of a Code Enforcement Officer. There is extensive confusion regarding parking of vehicles, trucks and trailers on city streets and private property. Attachment No. 1 is the current Parking Ordinance contained in Chapter 17 of the City municipal code and attachment #2 is a proposed ordinance that is recommended to address parking conflicts in the City.

Staff will be making a presentation regarding this issue and explaining the proposed parking ordinance.

Attachment #1

Chapter 17.58: PARKING

Sections:

- [17.58.010](#) Purpose
- [17.58.020](#) Applicability
- [17.58.030](#) Permit Requirements
- [17.58.040](#) General Parking Regulations
- [17.58.080](#) Number Of Parking Spaces Required
- [17.58.060](#) Reduction Of Off Street Parking Requirements
- [17.58.070](#) Handicapped Parking Requirements
- [17.58.080](#) Compact Parking Spaces
- [17.58.090](#) Parking Design And Development Standards
- [17.58.100](#) Bicycle Parking Requirements
- [17.58.110](#) Off Street Loading Requirements

17.58.010 Purpose: 

This chapter establishes regulations, which provide for safe, attractive, and convenient off street parking and loading and to ensure that parking areas are compatible with surrounding land uses and promote convenient alternatives to traditional motorized travel. (Ord. 473 §3, 2007)

17.58.020 Applicability: 

Except as otherwise provided in adopted development agreements, specific plans, planned unit developments, or other agreements and plans that allow deviation to off street parking requirements, off street parking and loading provisions of this chapter shall apply as follows:

A. New Development: For all buildings or structures erected and all uses of land established after the effective date of this title, parking and loading facilities shall be provided as required by this chapter. Except as otherwise specifically conditioned, projects with unexpired land use and development approvals on the effective date hereof have the option of meeting the parking requirements of the zoning code in effect on the project approval date or be subject to the provisions required herein.

B. Change In Use: When the use of any building, structure, or premises is changed, increasing the intensity such that the change creates an increase of more than ten percent (10%) in the number of off street parking

spaces required by the change, additional off street parking spaces shall be provided in accordance with the requirements of this chapter.

C. **Modification To Existing Structures:** Whenever an existing building or structure is modified such that it results in an increase of more than ten percent (10%) in the number of off street parking spaces required, additional off street parking spaces shall be provided in accordance with the requirements of this chapter. (Ord. 473 §3, 2007)

17.58.030 Permit Requirements: 

A. **Building Permit:** New parking lot design and modifications to existing parking lots areas in conjunction with a substantial change in use to an existing structure shall be reviewed in conjunction with the building permit and any other land use or development permit required for the project.

B. **Zoning Clearance:** Modification or improvement to an existing parking lot area that impacts the parking space layout, configuration, or number of stalls shall require zoning clearance to authorize the change as consistent with this title. Specifically, the designated approving authority shall review proposed plans for initial paving, resurfacing, and/or restriping of off street parking areas that alters the number and/or configuration of parking spaces or corresponding landscape planters for multi-family and nonresidential uses.

C. **Exempt Activities:** Parking lot improvements listed below shall be considered minor in nature in that they do not alter the number or configuration of parking stalls. Such improvements shall be exempt from permit requirements.

1. Repair of any defects in the surface of the parking area, including holes and cracks.
2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces.
3. Repair or replacement in the same location of damaged plantings and curbs.
4. Sprinkler line repair or refurbishment of landscaped areas with similar plant species. (Ord. 473 §3, 2007)

17.58.040 General Parking Regulations: 

A. Location Requirements For Off Street Parking Spaces:

1. Except as otherwise permitted herein, all required off street parking spaces shall be accessible to and located on the same lot as the use and/or development requiring such spaces.
2. Parking spaces shall not be located within any required setback area of any parcel.
 - a. Vehicle parking (and access thereto) in residential areas shall be on permanent paved or other approved surface consistent with section [17.58.090](#), "Parking Design And Development Standards", of this chapter. Exceptions may be granted when such construction mitigation is required to reduce the impact within the drip line of a protected tree.
 - b. Parking may not occur within any required clear vision triangle area on a corner lot.
 - c. Parking spaces shall not preclude direct and free access to stairways, walkways, elevators, any pedestrian accessway, or fire safety equipment. Such access shall be a minimum clear width of forty four inches (44"), no part of which shall be within a parking space.
 - d. No more than fifty percent (50%) of the front yard (including setbacks) can be used for parking.

B. General Use Provisions For Off Street Parking Spaces:

1. Living In Vehicles: Living, sleeping, or housekeeping in any vehicle, "trailer", or vessel (as defined in division VI, "Zoning Definitions", of this title) is prohibited when parked or stored on private property.
2. Automobile Parking Only: Parking facilities shall be used for automobile parking only. No sales, dead storage, repair work, dismantling, or servicing of any kind shall be permitted without necessary permits for such use. The only exception to this rule being for temporary use of parking areas when the remaining number of unobstructed parking spaces complies with the

minimum parking requirements for the permanent use(s) of the property in accordance with section [17.58.050](#), table 17.58-1 of this chapter.

3. Residential Guest Parking: For residential tenant and guest parking, the spaces must be marked per the required minimum standards for tenant and guest parking.

C. Parking Regulations For Vehicles, Trailers, And Vessels: The parking regulations in this section apply to all "commercial vehicles", "passenger vehicles", "recreational vehicles", "trailers", and "vessels" as defined in division VI, "Zoning Definitions", of this title. Unless otherwise specified, the term "vehicles" used herein refers to "commercial vehicles", "passenger vehicles", and "recreational vehicles".

1. Inoperable/Unregistered Vehicles, Trailers, And Vessels: Any vehicle, trailer, or vessel which is inoperable and/or without current registration shall be stored entirely within an enclosed structure and shall not be parked or stored in any yard within a residential zoning district or neighborhood.

2. Commercial Vehicle Parking: Commercial vehicles weighing five (5) tons or more are prohibited on any street or parcel within a residential zoning district or neighborhood. Additionally, in order to maintain public safety and residential character, commercial vehicles weighing more than one ton may only park on residential streets and/or lots long enough for typical residential delivery and pick up, moving, and towing. Commercial vehicles weighing less than one ton may be permitted in residential zoning districts and neighborhoods consistent with applicable provisions of this title. See chapter [17.82](#), "Home Occupations", of this title.

3. Recreational Vehicle Parking: Recreational vehicles of an owner, tenant, guest, or visitor may be parked on any highway (street) for a maximum period of seventy two (72) hours. Any request to extend this period for guests and visitors shall be submitted in writing to the chief of police for consideration and authorization. Recreational vehicle storage is prohibited in required front and street side yards. However, recreational vehicle parking is permitted outside of required front and street side yard setback areas and within interior side and rear yards when screened by a solid six foot (6') tall fence, wall, and/or landscape barrier. Screening shall be consistent with chapter [17.52](#), "Fences And Walls", of this title.

D. Tandem Parking: Tandem parking may be used to satisfy off street parking requirements on single-family residential and duplex residential lots or in those areas in which it is infeasible to meet the strict standards of this title as determined by the director of planning. (Ord. 473 §3, 2007)

17.58.050 Number Of Parking Spaces Required:

A. Off Street Parking Requirements: The city's off street parking requirements are listed by land use classifications in table 17.58-1 of this section. Except as otherwise specifically stated, the following rules apply to table 17.58-1 of this section:

1. "Square feet" means "gross square feet" and refers to building area unless otherwise specified.
2. Where parking spaces are required based on a per employee ratio, this shall be construed to be the total number of employees on the largest working shift.
3. For the purpose of calculating residential parking requirements, dens, studies, or other similar rooms that may be used as bedrooms shall be considered bedrooms.
4. Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than eighteen (18) linear inches for pews and twenty four inches (24") for dining, but in no case shall seating be less than determined as required by the uniform building code.

B. Shared Parking: The city's off street parking requirements are listed by land use classifications in table 17.58-1 of this section, however, in certain instances, and upon issuance of a conditional use permit, site conditions may warrant a shared parking arrangement. Where two (2) or more uses have different periods of peak parking demand (e.g., a restaurant and an office) and share a common parking supply, the number of spaces required is reduced. To calculate the reduction in the required number of spaces, the following methods are acceptable:

1. The methodology provided in the Urban Land Institute publication "Shared Parking" may be used to calculate the reduction. For the base parking ratios (i.e., the parking space ratios required before taking into account sharing of spaces), the requirements of this section shall be used.
2. The applicant may provide a shared parking study that is acceptable to the review authority. (This methodology may be necessary for uses not covered in the shared parking manual.)

C. Minimum/Maximum Parking Requirements: Unless off street parking reductions are permitted consistent with section [17.58.060](#), "Reduction Of Off Street Parking Requirements", of this chapter, the number of off street parking spaces required in table 17.58-1 of this section shall be considered the minimum necessary for each use. In conjunction with discretionary development permits, the designated approving authority may increase these parking requirements if it is determined that these requirements are inadequate for a specific project. By the same token, the designated approving authority may decrease the required parking for a specific use as specified in chapter [17.16](#), "Permit Requirements", of this title.

D. Uses Not Listed: The number of parking spaces required for uses not specifically listed in table 17.58-1 of this section shall be determined by the planning director based on common functional, product, or compatibility characteristics and activities, as provided in section [17.26.030](#), "Similar Uses", of this title.

E. Calculation/Rounding Of Quantities: When the calculation of the required number of off street parking spaces results in a fraction of a space, the total number of spaces shall be rounded to the nearest whole number (<0.49, round down; >0.50, round up).

F. Mixed Use/Multiple Tenants: Except as otherwise provided in this section, for each separate use on a site with multi-tenants, or a combination of principal uses in anyone facility, the development shall provide the aggregate number of parking spaces for each separate use. Parking for retail commercial shopping centers may include restaurant uses up to the maximum percentage of total site square footage, as described in table 17.58-1A of this section, when the indicated percent of the retail parking ratio is used to calculate the number of parking spaces required. Retail commercial shopping centers are allowed to have up to thirty five percent (35%) of their square footage taken up by restaurant uses when calculating parking with this method.

TABLE 17.58-1A

PARKING RATIO PERCENTAGES FOR SHOPPING CENTERS WITH RESTAURANT USES

Percent Of Total Square Footage For Restaurant	Parking Ratio
0-10	4.5 spaces/1,000 square feet
10-25	6.75 spaces/1,000 square feet
25-35	8.1 spaces/1,000 square feet

G. **New Buildings Or Development Projects Without Known Tenants:** If the type of tenants that will occupy a nonresidential building are not known at the time of the development entitlement or building permit approval, the amount of parking shall be the minimum number of spaces required by table 17.58-1 of this section for the most intense land use allowed within the underlying zoning district that can reasonably be accommodated within the entire structure/project as determined by the planning director. The designated approving authority may grant exceptions to this rule where the use or other restrictions ensure adequate parking is provided (i.e., rezone agreements).

H. **Tenant Spaces With Multiple Functions:** When a tenant of a building has several functions, such as retail and office space, the amount of parking for the tenant shall be calculated as required in table 17.58-1 of this section for the primary use, using the gross floor area of the building.

I. **Tenant Spaces With Accessory Storage:** When a tenant has enclosed accessory storage in excess of two thousand (2,000) square feet, the required parking for that portion of the tenant space dedicated to storage shall be calculated as specified in table 17.58-1 of this section for warehousing, storage, and distribution (in addition to the parking requirements for the primary use of the building).

TABLE 17.58-1

PARKING REQUIREMENTS BY LAND USE

Land Use Type	Required Parking Spaces
Agriculture, resource, and open space uses:	
Agricultural product sales	4 spaces/roadside stand
Wine tasting rooms	1 space/500 square feet of tasting room
Industry, manufacturing, and processing uses:	
Auto wrecking, junkyard, salvage yard	2 spaces, plus 1 space/employee
Laundries and dry cleaning plants	1 space/1,000 square feet
Manufacturing, printing and publishing, and rendering	1 space/1,000 square feet, plus 1/company operated vehicle

TABLE 17.58-1

PARKING REQUIREMENTS BY LAND USE

Land Use Type	Required Parking Spaces
Recycling facilities - processing, scrap, and dismantling facilities	1 space/1,000 square feet of office space, plus 1 space/employee
Research and development services	2 spaces/1,000 square feet
Warehousing, storage, and distribution	1 space/3,000 square feet, plus 1/company operated vehicle
Recreation, education, and public assembly uses:	
Cemeteries, mausoleums 1 space/5 seats in main assembly area	
Clubs, lodges, and private meeting halls; community centers	1 space/5 fixed seats in the main assembly area or 1 space/100 square feet for nonfixed seats in the main assembly area, whichever is greater
Indoor amusement/entertainment facilities	1 space/750 square feet
Indoor sports and recreation facilities	1 space/500 square feet
Libraries and museums	1 space/750 square feet
Outdoor commercial recreation:	
Amusement park, outdoor areas	1 space/miniature golf hole; 2 spaces/1,000 square feet outdoor land area accessible to the public
Driving range	1 space/tee
Golf courses, professional	5 spaces/hole for golf courses
Tennis court	1.5 spaces/court
All other uses	As determined by the designated approving authority
Parks and playgrounds (for parks >10 acres)	5 percent of the total site area

TABLE 17.58-1

PARKING REQUIREMENTS BY LAND USE

Land Use Type	Required Parking Spaces
Recreational vehicle parks	1 space/travel trailer/RV site plus 1 guest space/4 units
Religious institutions	1 space/S fixed seats or 1 space/125 square feet, whichever is greater
Schools:	
Elementary and secondary/junior/middle	1.5 spaces/classroom or 1 space/s fixed seats in the main assembly area, whichever is greater
High	1.5 spaces/classroom, plus 1 space/s fixed seats in the auditorium or assembly area, whichever is greater
College/university	1 space/s students based on maximum student capacity, plus 0.75 space/employee
Vocational and trade	1 space/s students, plus 0.75 space/employee
Studios	1 space/500 square feet
Theaters and auditoriums	1 space/s fixed seats or 1 space/75 square feet, whichever is greater
Residential uses:	
Caretaker housing	1 space/bedroom
Child and adult daycare homes; family care facilities	2 spaces, plus 1 space/nonresident employee
Group residential	1 space/bedroom
Multi-family:	
Studio and 1 bedroom units	1 space/unit, plus 1 guest space/4 units
2 and 3 bedroom units	2 spaces/unit, plus 1 guest space/4 units
4 or more bedroom units	3 spaces/unit, plus 1 guest space/4 units

TABLE 17.58-1

PARKING REQUIREMENTS BY LAND USE

Land Use Type	Required Parking Spaces
Mobilehomes	2 off street spaces/unit, plus 1 guest space/8 home lots
Senior independent living facilities	0.5 space/unit, plus 1 guest space/4 units
Residential care home	No additional requirement beyond single-family requirement
Single-family:	
Covered	2 spaces/unit ^{1, 3}
Uncovered	2 spaces/unit ^{1, 2, 3}
Retail, service, and office uses:	
Adult and child daycare facilities	0.75 space/employee, plus 1 space/facility vehicle, plus 1 space/10 persons at facility capacity
Adult related business	1 space/500 square feet
Ambulance service	1 space/500 square feet, plus 1 space/service vehicle
Animal sales and grooming	1 space/500 square feet
Auto and vehicle sales/rentals	1 space/3,000 square feet interior and exterior sales, display, and storage area
Auto parts sales	3 spaces/1,000 square feet
Automated teller machines (ATMs)	1 space/machine
Banks and financial services ³	3 spaces/1,000 square feet
Bars and nightclubs	1 space/3 fixed seats, plus 1 space/100 square feet assembly area
Bed and breakfast inns	1 space/guestroom, plus 1 space/resident owner or manager
Car washing and detailing	2 spaces/wash bay
Equipment sales and rental	1 space/500 square feet interior sales area, plus 1 space/1,000 square feet exterior sales and storage area

TABLE 17.58-1

PARKING REQUIREMENTS BY LAND USE

Land Use Type	Required Parking Spaces
Furniture, furnishings, and appliance stores	1 space/1,000 square feet
Garden center/plant nursery	4.5 spaces/1,000 square feet
Hotels and motels	1 space/room
Kennels	1 space/500 square feet
Maintenance and repair	1 space/500 square feet
Medical services:	
Clinics, offices, and laboratories ³	1 space/500 square feet
Extended care and hospitals	1 space/licensed bed
Mortuaries and funeral homes	1 space/5 seats in main assembly area
Offices:	
Business and professional	3 spaces/1,000 square feet
Call centers	4 spaces/1,000 square feet
Professional services	1 space/400 square feet or 2/chair, whichever is greater
Recycling facilities:	
Large collection facility	2 spaces/station
Reverse vending machine	No minimum requirement
Small collection facility	No minimum requirement
Residential care facilities	1 space/5 beds
Restaurants:	
Fast food	1 space/200 square feet dining area
Sit down, takeout inclusive	1 space/4 fixed seats or 1 space/80 square feet dining area, whichever is greater

TABLE 17.58-1

PARKING REQUIREMENTS BY LAND USE

Land Use Type	Required Parking Spaces
Takeout, exclusive	1 space/150 square feet accessible to the public
With live entertainment	1 space/5 fixed seats, plus 1 space/50 square feet assembly area
Retail (includes all others not listed)	3 spaces/1,000 square feet
Retail, shopping centers	4.5 spaces/1,000 square feet)
Service stations:	
With accessory retail	3 spaces ⁴
With convenience market	3 spaces for the first 1,000 square feet, plus 1 space/300 square feet thereafter ⁴
With vehicle service	2 spaces/service bay ⁴
Storage - personal storage facilities	4 spaces, plus 2 spaces for management
Vehicle services	1.5 spaces/service bay ⁴
Veterinary facilities	2 spaces/1,000 square feet
Warehouse retail stores	2 spaces/1,000 square feet
Utility, transportation, and communication uses:	
Broadcasting and recording studios	1 space/500 square feet
Heliports	2 spaces/pad
Telecommunication and utility facilities	1/vehicle normally required to service such facility
Transit stations and terminals	1 space/200 square feet of waiting area

Notes:

1. If development includes private streets with limited or no parking, a minimum of 1 guest parking space shall be provided per single-family residence as determined by the designated approving authority.

2. If 5 or more bedrooms are provided in one unit, then 1 additional space (covered or uncovered) shall be provided.
3. Parking space(s) shall either be enclosed or covered.
4. Additional parking may be required for drying or vacuum areas, as determined by the designated approving authority.

(Ord. 473 §3, 2007)

17.58.060 Reduction Of Off Street Parking Requirements:



Commercial, office, or industrial projects may request a reduction in the minimum number of parking spaces required, provided they include facilities, programs, or services that reduce the overall parking demand for the site, contingent upon approval from the approving authority.

A. Facilities And Programs: A proponent of an office, commercial or industrial project may provide alternative facilities or programs which serve to reduce parking demand in return for a reduction in vehicle parking requirements. Vehicle parking requirements may be reduced in accordance with the following provisions:

1. Shower/Locker Facilities: Developments with ten (10) or more employees may reduce their parking requirement by providing shower and clothing locker facilities for bicycle commuting employees. Maximum reduction: Ten percent (10%) of required parking.
2. Secure Bicycle Parking: Developments that provide additional secure bicycle parking facilities over and above the minimum requirement may reduce their parking requirement by one vehicle space for every additional bicycle space provided. Maximum reduction: Fifteen percent (15%) of required parking.
3. Motorcycle Or Low Speed Vehicle Parking: Developments that provide motorcycle or low speed vehicle parking may reduce their parking requirement by one vehicle space for every additional motorcycle or low speed vehicle space provided. Maximum reduction: Fifteen percent (15%) of required parking. Low speed vehicle spaces must be equipped with no cost to user charging facilities.
4. Preferred Car Pool/Vanpool Parking Spaces: Office or industrial developments which guarantee preferred parking spaces (e.g., covered, shaded, or near building entrance) to

employees who participate regularly in a car pool or vanpool may reduce their parking requirement by one vehicle space for every one space which is marked and reserved for car pools/vanpools at a preferred location. Maximum reduction: Five percent (5%) of required parking.

B. Special Circumstances: Off street vehicle parking reductions may also be granted when the applicant for a single or combined use can prove to the designated approving authority that the nature of the proposed use(s) or the proximity of the facility to alternative modes of transportation justify the requested parking reduction. This subsection includes shared parking reductions due to variation in peak demands. (Ord. 473 §3, 2007)

17.58.070 Handicapped Parking Requirements: 

A. Number Of Spaces, Design Standards: Parking spaces for the disabled shall be provided in compliance with uniform building code and the Americans with disabilities act.

B. Reservation Of Spaces Required: The number of disabled accessible parking spaces required by this section shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use.

C. Upgrading Of Markings Required: If amendments to state law change standards for the marking, striping, and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in the time and manner required by state law. (Ord. 473 §3, 2007)

17.58.080 Compact Parking Spaces: 

Up to twenty five percent (25%) of the required number of parking spaces may be sized for compact cars, and shall be clearly marked "COMPACT". Compact parking spaces shall be distributed throughout the parking lot. (Ord. 473 §3, 2007)

17.58.090 Parking Design And Development Standards: 

A. Surface Parking: All surface parking areas, other than those provided in a garage or parking structure, shall have the following improvements:

1. Paving, Drainage Facilities: Paving and adequate drainage facilities as specified by the public works director.

2. Clear Signage, Pavement Markings: Clear signage and pavement markings to indicate entrances, exits, aisle directions, and other features required to ensure the safe movement of vehicles.
3. Parking Area Design: Parking areas for commercial, industrial, and multiple-family residential uses, not including duplexes and single-family residences, shall be designed so that vehicles are not permitted to back out of the parking area onto a public street.
4. Landscaping: Landscaping shall be provided in compliance with chapter [17.54](#) of this title.
5. Lighting: Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting fixtures shall be energy efficient. Lighting standards shall be in scale with the height and use of the on site structure(s). All illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights of way in compliance with chapter [17.56](#), "Lighting", of this title.
6. Vehicle Overhang: Vehicular overhang is permitted, provided no vehicle shall overhang into a sidewalk that would reduce the unencumbered width of a sidewalk to less than four feet (4'). A vehicle is permitted to overhang into a landscaped area by two feet (2'), provided that the required landscape area is extended by two feet (2').

B. Access To Parking: Access to parking areas and curb cuts for driveways shall be approved by the planning director and public works director to ensure an efficient and safe traffic flow into the parking areas and along public streets.

C. Dead End Aisles: Dead end aisles are discouraged. When used, ninety degree (90°) angle stalls are required and the aisle shall have a minimum five foot (5') backing area.

D. Parking Space And Aisle Dimensions: All parking areas shall be designed so that the parking spaces are permanently maintained and have suitable maneuvering space and access to and from a public street or alley. The dimensions of each parking space shall be determined from table 17.58-2 of this section:

TABLE 17.58-2

PARKING SPACE AND DRIVE AISLE DIMENSIONS

Parking Stall Type	Minimum Stall Dimensions		Minimum Width For Drive Aisle With Parking		Minimum Width For Emergency Access Drive Aisles
	Width	Length	One-Way	Two-Way	
Standard parallel	9'	24'	12'	20'	20'
Standard 45 degree	9'	19'	16'4"	20'	20'
Standard 60 degree	9'	19'	19'	20	20'
Standard 90 degree	9'	19'	20'	25'	20'
Compact	8.8'	16'	20'	25'	20'
Handicapped	9'5"	19'	20'	25'	20'

(Ord. 473 §3, 2007)

17.58.100 Bicycle Parking Requirements: 

Bicycle parking shall be provided for all multi-family projects and nonresidential uses in compliance with this section.

- A. Location: Bicycle parking shall be located on a paved surface, in proximity to a building entrance and in a visibly secure location adjacent to the building.
- B. Bicycle Rack: Bicycle parking shall consist of at least a stationary bicycle rack, typically a curved metal bar, where the cyclist supplies a padlock and chain or cable to secure the bicycle to a stationary object.
- C. Prohibited Locations: Except as otherwise specified, required bicycle parking shall not be located within required setback yard areas.
- D. Bicycle Parking Requirements: Bicycle parking is required for multi-family, public and civic facilities, schools, retail commercial, office and industrial uses in accordance with table 17.58-3 of this section. In no case shall there be fewer than two (2) employee bicycle spaces and two (2) patron spaces, unless specifically exempt.

TABLE 17.58-3

BICYCLE PARKING REQUIREMENTS BY LAND USE

Land Use Type	Required Parking Spaces
Multi-family residential:	
Complexes of any size	1 space for every unit
Community civic:	
Public and civic facilities	25 percent of required vehicle space
Schools	35 percent of enrollment capacity
Commercial:	
Office	1 for every 5 vehicle spaces
Retail	20 percent of required vehicle spaces
Industrial:	
Industrial	1 space for every 5 vehicle spaces

(Ord. 473 §3, 2007)

17.58.110 Off Street Loading Requirements: 

All retail and wholesale stores, warehouses, supply houses, buildings devoted to the manufacturing trade, hotels, hospitals or other buildings where large amounts of goods are received or shipped shall provide loading and unloading space adequate to handle the volume of truck traffic and loading requirements.

A. Number Of Spaces: At a minimum, one loading space (dock or parking space) shall be provided for all commercial and industrial buildings in excess of ten thousand (10,000) square feet plus one additional space for every additional twenty thousand (20,000) square feet of floor area.

B. Dimensions: Each required loading space shall be not less than ten feet (10') wide, thirty five feet (35') long and with fourteen feet (14') of clear height. Loading zones shall be separate from other required parking and maneuvering area.

C. Location: Where feasible, loading zones and docks shall be located to the rear of properties. No truck entrance door, loading zone and/or dock serving commercial vehicles shall be permitted to face a residential area located within five hundred feet (500').

D. Screening: All loading zones and truck parking areas shall be screened from view by a minimum of a six foot (6') high hedge, vine covered fence or wall plus landscaping as required by chapter 17.§4, "Landscaping", of this title.

E. Passenger Loading Areas: Public parking areas for major development projects shall designate a passenger loading area or areas for embarking and disembarking passengers from ridesharing vehicles. Such passenger loading areas shall be located at the point(s) of primary pedestrian access from the parking area to the adjacent building, or buildings, and shall be designed in such a manner that vehicles waiting in the loading area do not impede vehicular circulation in the parking area. The passenger loading areas shall be large enough to accommodate the number of waiting vehicles equivalent to one-half (1/2) of one percent (1%) of the required parking for the project. (Ord. 473 §3, 2007)

Attachment #2
ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENFIELD,
AMENDING SECTION 17.58.040 OF THE GREENFIELD MUNICIPAL CODE
RELATING TO THE PARKING OF COMMERCIAL VEHICLES, RECREATIONAL
VEHICLES AND TRAILERS UPON CITY STREETS**

WHEREAS, section 17.58.040 of the City of Greenfield Municipal Code sets forth regulations for the parking of vehicles, trailers, and vessels within residential zoning districts; and

WHEREAS, the regulations set forth in section 17.58.040 are in-artfully drafted and have given rise to confusion and misunderstanding within the public as to the circumstances under which those regulations apply; and

WHEREAS, the regulations of section 17.58.040 do not address certain parking situations that have given rise to further confusion and misunderstanding within the public related to the applicability and enforcement of the municipal code parking regulations; and

WHEREAS, the parking, storing, or leaving of abandoned vehicles provisions of section 10.16.180 of the City of Greenfield Municipal Code conflict with the parking regulations of section 17.58.040;

WHEREAS, section 17.98.020 of the City of Greenfield Municipal Code defines certain types of vehicles and those definitions are inconsistent with definitions of those same vehicle types included in the California Vehicle Code; and

WHEREAS, it is the desire of the City of Greenfield City Council to amend the City of Greenfield Municipal Code when necessary to promote greater public understanding of the Municipal Code, to clarify language included in the Municipal Code that can give rise to public confusion and misunderstanding, to maintain consistency between the Municipal Code and state codes, and to maintain consistency among the various titles, chapters, and sections of the Municipal Code;

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

Section 1. Section 17.58.040 of the Greenfield Municipal Code is hereby amended to read as follows, with deleted text in strikeout and added text in underline format:

A. Location Requirements For Off Street Parking Spaces:

1. Except as otherwise permitted herein, all required off street parking spaces shall be accessible to and located on the same lot as the use and/or development requiring such spaces.

2. Parking spaces shall not be located within any required setback area of any parcel.
 - a. Commercial, Passenger, Other vehicle parking (as vehicle is defined in this section) and access thereto, shall be on permanent paved or other approved surface consistent with section 17.58.090, "Parking Design And Development Standards," of this chapter. Exceptions may be granted to reduce the impact within the drip line of a protected tree.
 - b. Parking spaces shall not preclude direct and free access to stairways, walkways, elevators, any pedestrian accessway, or fire safety equipment. Such access shall be a minimum clear width of forty four inches (44"), no part of which shall be within a parking space.
 - c. No more than fifty percent (50%) of the front yard (including setbacks) can be used for parking.
3. Parking may not occur within any required clear vision triangle area at the intersection of a driveway/alley and street or at any corner formed by intersecting streets.

B. General Use Provisions For Parking Spaces:

1. Definitions:
 - a. Commercial Vehicle: A "commercial vehicle" is a motor vehicle of a type required to be registered under the California Vehicle Code used or maintained for the transportation of persons for hire, compensation or profit, or designed, used or maintained primarily for the transportation of property. Passenger vehicles and house cars that are not used for the transportation of persons for hire, compensation, or profit are not commercial vehicles. Any vanpool vehicle is not a commercial vehicle. (California Vehicle Code section 260).
 - b. Passenger Vehicle: A "passenger vehicle" is any motor vehicle, other than a motor truck, truck tractor, or a bus, and used or maintained for the transportation of persons. The term "passenger vehicle" shall include a house car. (California Vehicle Code section 465).
 - c. Other Vehicle: "ther VvehicleVehicle: hicany vehicle not otherwise defined as a Commercial or Passenger vehicle, including, but not limited to, camp trailers (California Vehicle Code section 242); camper (California Vehicle Code section 243); fifth-wheel travel trailers (California Vehicle Code section 324); house cars (California Vehicle Code section 362); trailer coaches (California Vehicle Code section 635), mobile homes (California Vehicle Code section 396); motorcycles (California Vehicle Code section 400); boats and/or trailers including but not limited to trailers used for the transport of equipment, vehicles, or animals; recreational

vehicles (California Health & Safety Code section 18010); and semi-trailers (California Vehicle Code section 550).

2. Living In Vehicles: Living, sleeping, or housekeeping in any Commercial, Passenger, or Other vehicle, as defined herein, is prohibited.

3. Vehicle Parking Only: Parking facilities shall be used for vehicle parking only. No sales, dead storage, repair work, dismantling, or servicing of any kind shall be permitted without necessary permits for such use.

4. Residential Guest Parking: For residential tenant and guest parking, the spaces must be marked per the required minimum standards for tenant and guest parking.

C. Parking Regulations For Vehicles: The parking regulations in this section apply to all Commercial, Passenger, and Other vehicles as defined herein, unless otherwise specified.

1. Abandoned/Inoperable/Unregistered Vehicles: Parking or storing of any vehicle that is abandoned, inoperable, and/or without current registration is prohibited on any highway, street, alley, public way, public place, or parcel within any zoning district. Any such vehicle shall be parked or stored entirely within an enclosed structure in a lawful manner where it is not plainly visible from the street or other public or private property, or 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.

2. Vehicle Parking: Parking of commercial vehicles weighing five (5) tons or more or any Other vehicle as defined herein, whether or not attached to a motorized vehicle, except motorcycles, is prohibited on any highway, street, alley, public way, public place, or parcel within any zoning district, except as follows:

a. If registered to a Greenfield address, not including post office box, and the owner is in possession of a valid temporary parking permit issued pursuant to this chapter;

b. While in the process of loading or unloading property;

c. When such vehicle or trailer is parked in connection with, and in aid of, the performance of a service to or on the property in the block in which such vehicle is parked; or

d. When such vehicle or trailer is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily parking such vehicle or trailer.

3. Other Vehicle Parking or Storage: Parking or storage of Other vehicles as defined herein, except motorcycles, is prohibited in required front and street side yards. Parking of such Other vehicles is permitted outside of required front and street side yard setback areas and within interior side and rear yards when screened by a solid six foot (6') tall fence, wall, and/or landscape barrier. Screening shall be consistent with chapter 17.52, "Fences And Walls", of this title.

D. Tandem Parking: Tandem parking may be used to satisfy off street parking requirements on single-family residential and duplex residential lots or in those areas in which it is infeasible to meet the strict standards of this title as determined by the director of planning.

E. Permits for the temporary parking or storage of Other vehicles as defined herein, except motorcycles, shall be issued as follows:

1. Permits will be issued free of charge and will be available at such City facilities as designated by the City Manager, or may be available through the City's website, if determined feasibly by the City Manager.
2. Permits will be issued only to residents of the City of Greenfield, where the vehicle is registered to a Greenfield address, not including post office box.
3. Each permit will be issued for a maximum period of twenty-four (24) consecutive hours.
4. A permit holder may obtain no more than three (3) permits to apply over any consecutive seventy-two (72) hour period.
5. A permit holder may obtain a maximum of fifty-two (52) permits in any calendar year.
6. The permit must be visibly displayed on the vehicle at all times during the time period allowed by the permit.

F. Penalty for Violation

1. Any person violating any provision of this section shall be guilty of an infraction and upon conviction therefor shall be punished as prescribed in section 1.12.010 of title 1 of the Greenfield Municipal Code.
2. At the discretion of the City, in lieu of enforcing violations of any provision of this section in accordance with paragraph 1 of this subsection F, any person violating any provision of this section may be issued an administrative citation for each and every violation as prescribed in section 1.25.030 of chapter 1.25 of the Greenfield Municipal Code. Fines imposed for an administrative citation shall be as prescribed in section 1.25.040 thereof.

Section 2. Section 17.98.020 of the Greenfield Municipal Code is hereby amended, in part, as follows, with deleted text in strikeout and added text in underline format:

Vehicle, Commercial: "Commercial vehicle" shall mean a motor vehicle of a type required to be registered under the California Vehicle Code used or maintained for the transportation of persons for hire, compensation or profit, or designed, used or maintained primarily for the transportation of property. Passenger vehicles and house cars that are not used for the transportation of persons

for hire, compensation, or profit are not commercial vehicles. Any vanpool vehicle is not a commercial vehicle. (California Vehicle Code section 260). Examples of commercial use vehicles include, but are not limited to, tow trucks, flatbed trucks, mobile food preparation vehicles including large trucks converted as food vehicles (ice cream, etc.), street sweepers, buses, utility trucks with hydraulic arms or lifts, tractors and semitrailers, etc.

Vehicle, Passenger: "Passenger vehicle" shall mean any motor vehicle, other than a motortruck, truck tractor, or a bus, and used or maintained for the transportation of persons. The term "passenger vehicle" shall include a housecar. (California Vehicle Code section 465). Examples include, but are not limited to, cars, light trucks, and vans and typically exclude buses and vehicles defined as commercial vehicles.

Vehicle (RV), Recreational: "Recreational vehicle (RV)" shall mean a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy that (1) contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms, (2) contains 400 square feet or less of gross area measured at maximum horizontal projections, (3) is built on a single chassis, and (4) is either self-propelled, truck-mounted, or permanently towable on the highways without a permit. (California Health & Safety Code section 18010).

Vehicle, Other: "Other Vehicle" shall mean any vehicle not otherwise defined as a Commercial, Passenger, or Recreational vehicle, including, but not limited to, house cars (California Vehicle Code section 362); trailer coaches (California Vehicle Code section 635), mobile homes (California Vehicle Code section 396); motorcycles (California Vehicle Code section 400); boats and/or trailers including but not limited to trailers used for the transport of equipment, vehicles, or animals; and semi-trailers (California Vehicle Code section 550).

Section 3. Section 10.16.180 of the Greenfield Municipal Code is hereby amended to read as follows, with deleted text in strikeout and added text in underline format:

It is unlawful and a misdemeanor for any person to abandon, park, store or leave or permit the abandonment, parking, storing, or leaving of any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property within the city unless such vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle 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 as otherwise allowed under section 17.58.040 of title 17 of this municipal code.

Section 4. Publication: The City Clerk caused these ordinances or a summary of these ordinances to be published once in a newspaper of general circulation published and circulated within the City of Greenfield and posted a certified copy of the full text of the proposed ordinances in the office of the City Clerk at least five (5) days prior to the council meeting at which the proposed ordinances were to be adopted. Within fifteen (15) days after adoption of these ordinances, the City Clerk is directed to cause these ordinances or a summary of these

ordinances with the names of those council members voting for and against these ordinances to be published once in a newspaper of general circulation published and circulated within the City of Greenfield and the City Clerk shall further cause a certified copy of the full text of the adopted ordinances along with the names of those council members voting for and against these ordinances to be posted in the office of the City Clerk. The summary shall be approved by the City Attorney.

Section 5. Effective Date: Pursuant to California Government Code Section 36937, these ordinances shall take effect thirty (30) days after their final passage and adoption by the City Council.

* * * * *

INTRODUCED at a regular meeting of the City Council of the City of Greenfield held on the ___ day of _____, 2014.

ADOPTED as ordinance of the City Council of the City of Greenfield at a regular meeting of the City Council held on the ___ day of _____, 2014, by the following vote:

AYES, and in favor thereof, Council Members:
NOES, Council Members:
ABSENT, Council Members:
ABSTAIN, Council Members:

John P. Huerta, Jr., Mayor
City of Greenfield

ATTEST:

Ann F. Rathbun, City Clerk
City of Greenfield



City Manager Memorandum

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

DATE: November 10, 2014

TO: Code Enforce Board of Appeals

FROM: Susan A. Stanton, ICMA-CM
City Manager

RE: Code Enforcement Forms

In response to a request by Board member Bautista, the following attachments are most of the forms that are currently in use by the Code Enforcement Officer. The City recently purchased new Code Enforcement software which will automate and reformat existing Notices, Citations and Letters. Although this item was on the agenda for the October 9th meeting staff placed it on this agenda for further discussion.



City Manager Memorandum

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

DATE: November 10, 2014

TO: Code Enforce Board of Appeals

FROM: Susan A. Stanton, ICMA-CM
City Manager

RE: Code Enforcement Board of Appeals Powers

As discussed at our last meeting, the City Attorney and City Manager are proposing the adoption of a new chapter for the Code Enforcement Board that will include the following sections:

Sections:

- 2.40.010 Creation of Code Enforcement Appeals Board.
- 2.40.020 Qualifications.
- 2.40.030 Term of office.
- 2.40.040 Removal or vacancy.
- 2.40.050 No compensation.
- 2.40.060 Time and place of regular meetings.
- 2.40.070 Appointments of chair and vice-chair.
- 2.40.080 Record of proceedings.
- 2.40.090 Quorum.
- 2.40.100 Absence from meetings.
- 2.40.110 Duties of officers.
- 2.40.120 Duties of the board.

The City Attorney will review the proposed ordinance with the Board and provide any additional information to address any questions or desired revision.

1. Proposed Code Enforcement Board Powers

Chapter 2.40 CODE ENFORCEMENT APPEALS BOARD

Sections:

- 2.40.010 Creation of Code enforcement appeals board.
- 2.40.020 Qualifications.
- 2.40.030 Term of office.
- 2.40.040 Removal or vacancy.
- 2.40.050 No compensation.
- 2.40.060 Time and place of regular meetings.
- 2.40.070 Appointments of chair and vice-chair.
- 2.40.080 Record of proceedings.
- 2.40.090 Quorum.
- 2.40.100 Absence from meetings.
- 2.40.110 Duties of officers.
- 2.40.120 Duties of the board.

2.40.010 Creation of code enforcement appeals board.

A code enforcement appeals board ("board") in the city of Greenfield is established. The board consists of three members appointed by the city council.

2.40.020 Qualifications.

Each member of the board shall be a resident of the city.

2.40.030 Term of office.

The term of office of each member of the board is two years. Each member serves until a successor is appointed.

2.40.040 Removal or vacancy.

A member of the board may be removed by a majority vote of the city council. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term.

2.40.050 No compensation.

Members of the board serve without compensation.

2.40.060 Time and place of regular meetings.

The board shall meet at least once a month at a time and place in Lafayette designated by the board. Board meetings are open to the public and shall be noticed in accordance with law.

2.40.070 Appointments of chair and vice-chair.

The board members shall designate the chair and vice-chair of the board from among the membership. Each chair term shall be one year.

2.40.080 Record of proceedings.

The board shall keep a public record of its proceedings, including findings and decisions.

2.40.090 Quorum.

Two members of the board shall constitute a quorum for the transaction of business.

2.40.100 Absence from meetings.

(a) If a member of the board is absent without cause from three successive regular meetings of the board, the office becomes vacant automatically. The board shall immediately notify the city council of the vacancy.

(b) A member is not absent without cause if his or her absence is due to illness or is unavoidable, and the member gives the chair written notice before the day of the meeting that he or she will be absent and giving the reason for the absence.

2.40.110 Duties of officers.

(a) Chair. The chair shall preside at all meetings of the board.

(b) Vice-chair. The vice-chair shall serve as the chair in the absence or inability of the chair to preside.

2.40.120 Duties of the board.

The duties of the board are to act as the code enforcement appeals board in accordance with any penalty or administrative remedy action under this municipal code unless such authority is specifically reserved and granted to agency such as Planning Commission.(Chapter 2.20).

2. Amend
"Chapter 1.25 ADMINSTATIVE CITATIONS" to include appeal provision to Board

1.25.010 Applicability
1.25.100 Hearing Officer's Decision.
INSERT after 1.25.100

1.25.110 Appeals:

A recipient of an administrative citation may appeal the citation to a Hearing Officer as set forth in Sections 1.25.080 – 1.25.100, and thereafter may request a further appeal hearing before the code enforcement appeals board as follows:

- (a) An appeal form shall be obtained from the code enforcement officer. The completed appeal form shall be filed with the officer within 14 days of the effective date of the administrative citation together with an appeal fee established by resolution by the city council.
- (b) Only after the completed appeal form has been filed together with the appeal fee shall the code enforcement officer set the date for a hearing. The hearing shall be set for a date not less than 14 days or more than 60 days after the officer received the request.
- (c) The appellant may request one continuance, but in no event shall the hearing be continued more than 30 days after the date of the originally scheduled hearing unless the code enforcement officer finds circumstances of hardship warrant a longer continuance not to exceed 90 days after the date of the originally scheduled hearing.
- (d) The appellant shall be notified by certified mail, return receipt requested, of the date, time and place set for the hearing. Notice shall be sent at least ten days prior to the date of the hearing. The notice shall include a statement that the city may pursue any and all legal and equitable remedies for the recovery of unpaid fines and administrative charges. The notice shall be mailed to the appellant at the address provided on the completed appeal form. Failure of the appellant to receive notice shall not affect the validity of any proceedings taken under this chapter.
- (e) Any documentation, other than the administrative citation, which the code enforcement officer has submitted or will submit to the code enforcement appeals board, shall be served on the appellant at least three days before the hearing.
- (f) Failure of a recipient of an administrative citation to file an appeal in accordance with the provisions of this section shall be deemed to waive his or her right to an appeal hearing.

1.25.120 Appeal hearing procedure:

- (a) No appeal hearing shall be held unless the appeal fee has been paid in accordance with Section 1.25.110
- (b) Hearings by the code enforcement appeals board are informal and formal rules of evidence and discovery shall not apply.

- (c) The code enforcement officer and appellant shall be given the opportunity to testify and present evidence concerning the alleged violation.
- (d) The administrative citation and any additional report submitted by the code enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.
- (e) The code enforcement appeals board may continue a hearing to request additional information from the code enforcement officer and/or appellant and/or to conduct an inspection of the location of the violation prior to concluding the hearing.
- (f) If the violation is non-conformance with a permit issued under Title 15, 16, or 17, the code enforcement appeals board may continue the hearing and refer the violation to the commission that issued the permit for additional information and/or recommendation, including the zoning administrator, design review commission, planning commission, or city council.
- (g) If the location of the violation is on property owned by the appellant, the code enforcement appeals board may inspect the property prior to the conclusion of the hearing provided that the appellant consents to the inspection, is given the notice of the date and time of the inspection, and is permitted to be present during the inspection. The board shall state for the record during the hearing the material facts observed and conclusions drawn from the inspection. The appellant shall be afforded an opportunity to rebut or explain the matters so stated by the board. If the location of the violation can be inspected from areas accessible to the general public or with the permission of other persons authorized to provide access to the location, then notice to and consent of the appellant is not required.
- (h) Failure of the appellant to appear at the hearing shall constitute a waiver of his or her right to an administrative hearing.

1.25.130 Decision of the code enforcement appeals board:

- (a) After considering all of the testimony and evidence submitted during the hearing, the code enforcement appeals board shall adopt a resolution to uphold, modify or cancel the administrative citation. The decision of the board is final. The resolution shall include the reasons for that decision which may be based on any or all of the following factors:
 - (1) Duration of the violation;
 - (2) Frequency, recurrence and/or number of related violations by the appellant;
 - (3) Seriousness of the violation;
 - (4) Good faith efforts of the appellant to correct the violation; and/or
 - (5) Other factors as justice may require.

(b) If the code enforcement appeals board determines the administrative citation should be upheld, then the resolution shall include the action required to correct the violation and the date by which such action must be completed. The date of compliance shall be no more than 60 days from the date of the board's decision. The resolution shall include a payment schedule for any unpaid fines and/or administrative charges. The resolution shall also include the consequences of failing to correct the violation, including the placement of liens and/or special assessments, and the right to judicial review pursuant to Section 1.25.110

(c) If the code enforcement appeals board determines the administrative citation should be modified in terms of methods of correcting the violation and/or time limit for compliance, then the resolution shall include the modified action to correct the violation and/or the date by which correction must be completed. The resolution shall include a payment schedule for any unpaid fines and administrative charges. The resolution shall also include the consequences of failing to correct the violation, and the right to judicial review pursuant to Section 1.25.140

(d) The code enforcement appeals board may determine that the administrative citation should be canceled; in this case, all further actions related to this administrative citation shall be terminated.

1.25.140 Right to judicial review:

The appellant may seek judicial review of the board's decision by filing a petition with a court of competent jurisdiction pursuant to California Code of Civil Procedure §§ 1094.5 and 1094.6. The board's resolution shall contain a statement so advising the appellant of the time limit on seeking court review.

Renumber existing Municipal Code sections

1.25.150 Late Payment Charges:

Any person who fails to pay to the city any fine imposed pursuant to the provisions of this chapter on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines.

1.25.160 Recovery Of Administrative Citation Fines And Costs:

The city may collect any past due administrative citation fine or late payment charge by use of all available legal means. The city also may recover its collection costs, including, but not limited to, administrative costs and attorney fees. Such collection costs shall be in addition to any penalties, interest, and state charges imposed pursuant to an ordinance or resolution of the city council.

1.25.170 Right To Judicial Review:

Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the municipal court, or superior court if there is no municipal court, in Monterey County in accordance with the time lines and provisions set forth in California Government Code section 53069.4.

1.25.180 Notices:

(a) The administrative citation and all notices required to be given by this chapter shall be served on the responsible party by personal delivery thereof to the person to be notified or by deposit in the United States mail, in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

(b) Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder.

Add to definitions in Administrative Citations (§ 1.25.020)

1.25.020 Definitions:

For purposes of this chapter:

- A. "Chief building official" shall mean the chief building official as designated by the city of Greenfield.
- B. "Enforcement officer" shall mean any city employee or agent of the city with the authority to enforce any provision of this code.
- C. "Finance director" shall mean the finance director of the city of Greenfield.
- D. "Hearing officer" shall mean that person designated by the city manager.
- E. "Responsible person" means a person that the enforcement officer determines is responsible for causing or maintaining a violation of this code. The term "responsible person" includes, but is

not limited to, a property owner, tenant, person with a legal interest in real property, or person in possession of real property.

F. "Code enforcement appeals board" or "board" means the code enforcement appeals board as described in Chapter 2.40.

G. "Days" means calendar days. In the event the last day of the specified time period falls on a Saturday, Sunday or federal holiday observed by the city, then the last day of the specified time period shall be the next business day.

H. "Owner" means the owner or owners of record of real property as shown on the latest county equalized assessment roll; the lessee, tenant or other person having control or possession of the property where the violation occurred; the mortgagee under a recorded deed of trust; and any other person having a recorded beneficial or legal interest.

3. Replace with this Chapter

Chapter 1.12 PENALTY PROVISIONS

Sections:

- 1.12.010 Violations a misdemeanor, or infraction or subject to civil penalty.
- 1.12.020 Penalties.
- 1.12.030 Separate offenses.
- 1.12.040 Nuisance.

1.12.010 Violations a misdemeanor, or infraction or subject to civil penalty.

- (a) No person shall violate any provision or fail to comply with any requirement of this code. A person who violates a provision or fails to comply with a mandatory requirement of this code is guilty of a misdemeanor unless, in the city's discretion, the violation of a particular provision of this code is charged as an infraction or made subject to administrative penalties pursuant to Chapter 1.25 ("Administrative Citations") of this code.
- (b) Except as otherwise provided, all provisions of this code relating to misdemeanors shall apply to infractions, including but not limited to authority of city officers and employees to make arrests and the procedure for making arrests.

1.12.020 Penalties.

- (a) Misdemeanor. Except as otherwise provided by statute or this code, a violation of this code charged as a misdemeanor, unless specific provision is otherwise made, shall be issued:
 - (1) A fine not exceeding \$250.00 for a first violation;
 - (2) A fine not exceeding \$500.00 for a second violation of the same ordinance within one year, and/or
 - (3) A fine not exceeding \$1,000.00 for each additional violation of the same ordinance within one year from the date of the first violation, or by imprisonment in the county jail for a period of not more than six months, or both. Under Section 36903 of the Government Code, the county jail is prescribed as the place for imprisonment for such violation of this code and of any ordinance.
- (b) Infractions.
 - (1) Except as otherwise provided by statute or this code, a violation of this code charged as an infraction, unless specific provision is made otherwise, shall be issued:
 - 1. A fine not exceeding \$100.00 for a first violation;

2. A fine not exceeding \$200.00 for a second violation of the same ordinance within one year from the date of the first violation; and/or

3. A fine not exceeding \$500.00 for each additional violation of the same ordinance within one year from the date of the first violation.

(2) Except as otherwise provided by statute or this code, a violation of building and safety ordinances, including but not limited to, those in Title 15 charged as an infraction, unless specific provision is made otherwise, shall be issued:

1. A fine not exceeding \$100.00 for a first violation;

2. \$500.00 for a second violation of the same ordinance within one year from the date of the first violation; and

3. \$1,000.00 for each additional violation of the same ordinance within one year from the date of the first violation.

(c) Civil Penalty. Except as otherwise provided by statute or this code, a person who violates any section of this code, unless specific provision is otherwise made, may be issued an administrative citation and be liable for an administrative penalty pursuant to Chapter 1.25 (“Administrative Citations”) of this code. When specifically authorized by a provision of this code, the city council may set the penalty by resolution.

1.12.030 Separate offenses.

Each person is guilty of a separate offense for each and every day during any portion of which a violation of this code is committed, continued or permitted to exist by that person.

1.12.040 Nuisance.

In addition to the penalties provided, any condition caused or permitted to exist in violation of a provision of this code is a public nuisance and may be summarily abated as such. Each day that such condition exists is a new and separate offense.

4. Add if City staff to have power of arrest.

(City Manager and City Attorney do not recommend)

Chapter 1.20 POWER OF ARREST

Sections:

1.20.010 Authority for adoption.

1.20.020 Authority of city officers and employees to make arrests.

1.20.030 Procedure for making arrests.

1.20.010 Authority for adoption.

Sections 1.20.010 through 1.20.030 are adopted under the authority of Section 836.5 of the Penal Code of the State of California.

1.20.020 Authority of city officers and employees to make arrests.

Each officer and employee of the city is authorized to arrest a person for the violation of an ordinance or a statute which it is his duty to enforce.

1.20.030 Procedure for making arrests.

(a) The officer or employee authorized to make an arrest under 1.20.020 may arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of a statute or ordinance which the officer or employee has the duty to enforce.

(b) If the person arrested does not demand to be taken before a magistrate, the officer or employee making the arrest shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C of Title 3 (beginning with Section 853.6) of the Penal Code of the State of California. Thereafter the provisions of Chapter 5C apply with reference to the proceeding based upon the issuance of a written notice to appear.

(c) If the person arrested refuses to sign the written promise to appear referred to in subsection (b) of this section and does not demand to be taken before a magistrate, the officer or employee making the arrest shall immediately release the person and thereafter shall cause a criminal complaint to be filed charging the violation of the misdemeanor for which the arrest was sought to be made.

\Revision:

1. Add Chapter 2.40
 2. Amend Chapter 1.25 to include provisions for Board (add and renumber)
 3. Replace Chapter "1.12 General Penalty"
 4. Do you want power of arrest?
-
-



City Manager Memorandum

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

DATE: November 10, 2014

TO: Code Enforce Board of Appeals

FROM: Susan A. Stanton, ICMA-CM
City Manager

RE: Code Enforcement Officer Activity Report

Staff will be distributing an update of the current code enforcement activity report for close cases at the Board meeting on November 13th. The report will not contain on-going enforcement actions nor does it include the names and addresses of residents.

Staff will make a presentation and provide any additional information regarding any particular case in question.



City Manager Memorandum

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

DATE: November 10, 2014

TO: Code Enforce Board of Appeals

FROM: Susan A. Stanton, ICMA-CM
City Manager

RE: Code Enforcement Board Resignation

As previously informed, the City is in receipt of two board member resignations. Resignations received from Rodney Evans and James Kilgore. As required by Resolution 2013-13:

- The Board will consist of three members and at least one alternate, appointed by the City Council. The Board members will serve staggered three-year terms. The initial Board will have members serving one, two and three year terms.
- The members of the Board will be qualified by experience and training to pass upon matters pertaining to building construction and will not be employees of the City.