

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN AMENDING CERTAIN SECTIONS OF CHAPTERS 8.04, 9.32, 17.08 AND 17.83 OF THE ROCKLIN MUNICIPAL CODE TO UPDATE REGULATIONS RELATED TO PROPERTY MAINTENANCE, GRAFFITI ABATEMENT, OFF-STREET PARKING OF ACCESSORY VEHICLES, REASONABLE ACCOMMODATION, AND RELATED CLEAN UP ITEMS (CODE COMPLIANCE REGULATIONS UPDATE/ ZOA2021-0002)

WHEREAS, on September 28, 2021, the City Council of the City of Rocklin received a staff report outlining opportunities to address concerns that existing provisions of the Rocklin Municipal Code regarding property maintenance, graffiti abatement, off-street parking of accessory vehicles may be unclear to residents as well as difficult and time-consuming to enforce; and

WHEREAS, on September 28, 2021, the City Council adopted a Resolution of Intent to Initiate Amendments to the Rocklin Municipal Code (Resolution 2021-171), and directed staff to revise applicable portions of the Rocklin Municipal Code ("RMC") to make it easier for residents to understand and to reduce staff time and resources when enforcing the RMC; and

WHEREAS, the proposed amendments to the RMC are consistent with and implement the policies of the City of Rocklin's General Plan, including the Housing Element; and

WHEREAS, the proposed amendments to the Rocklin Municipal Code are not likely to create serious health problems or create nuisances on or near affected properties; and

WHEREAS, the City Council has considered the effect of the proposed amendments to the RMC on the housing needs of the region and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources; and

WHEREAS, the RMC requires that the Planning Commission consider and make a recommendation to the City Council regarding any proposed revisions to Title 17 of the RMC;

WHEREAS, on November 2, 2021 the Planning Commission of the City of Rocklin, after due consideration, voted 5-0 to recommended that the City Council approve the revisions to Title 17 incorporated within this ordinance.

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

Section 1. Findings. The findings and recitals set forth above are true and correct.

Section 2. Purpose. The purpose of this ordinance is to modify regulations addressing property maintenance, graffiti abatement, and off-street parking of accessory vehicles within the City of Rocklin to provide for greater enforceability and to clean up and clarify related provisions in all zones, within the City of Rocklin.

Section 3. Authority. The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code section 37100.

Section 4. Amendment. Section 8.04.010(A) of Title 8, Chapter 8.04 of the Rocklin Municipal Code is hereby amended in its entirety to read as follows:

- A. "Enforcement Authority" means the city manager or designated department head, building official, code enforcement officer, or public official charged with responsibility for enforcement under this title.

Section 5. Repeal and Reenact. Section 8.04.020 of Title 8, Chapter 8.04 of the Rocklin Municipal Code is hereby repealed and reenacted as follows:

8.04.020 Unlawful property nuisances

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this code:

- A. The accumulation or presence of packing boxes, cardboard boxes, lumber, rubbish, refuse, barrels, drums, salvage materials, broken or discarded furniture, household fixtures or household equipment or furnishings designed for indoor use, storage containers, canopies, shipping containers or shopping carts on the property visible from public view;
- B. Overgrown vegetation including, but not limited to, lawn or weeds in excess of twelve (12") inches in height visible from public view or likely to harbor rats, vermin or other nuisances or which obstructs the view of drivers on public streets or private driveways, or which impedes, obstructs or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights of way. Any of the following shall be considered overgrown vegetation which impedes, obstructs or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights of way:
1. Vegetation over a public street or public right-of-way less than fourteen (14') feet above the surface of the street;
 2. Vegetation over a public sidewalk less than eight (8') feet above the surface of the sidewalk;
 3. Installation or maintenance of any sign, hedge, structure, natural growth, fence, or other obstruction to the view higher than thirty (30") inches above the nearest pavement surface (or traveled area when no pavement exists) on property adjacent to any private road or driveway intersecting a public street, within a triangle area formed by the edge of the driveway, the street right-of-way line, and a line connecting two points, one of which is on the right-of-way

line ten (10') feet from the edge of the driveway, and other of which is on the edge of the driveway ten (10') feet back of the right-of-way line measured perpendicular to the right-of-way line in a direction away from the street;

4. Vegetation obstructing sight distance as determined by the Public Services Department Director or his/her designee.
- C. Dead, decayed, diseased or hazardous trees, weeds, or other vegetation constituting unsightly appearance, or dangerous to public safety and welfare and visible from public view. Hazardous vegetation and debris shall be maintained in accordance with Chapter 8.10 of this code, or any successor chapter;
- D. Attractive nuisances dangerous to children and other persons, including abandoned, broken or neglected equipment, machinery, appliances, refrigerators and freezers, hazardous pools, ponds and excavations;
- E. Personal property, such as vehicles, boats, trailers or vehicle parts which are abandoned, inoperable, not currently registered with the California Department of Motor Vehicles, inoperable and registered planned non-operational with the California Department of Motor Vehicles, or left in a state of partial repair for an unreasonable period of time in front yards, side yards, driveways, sidewalks or walkways, public rights-of-way, public streets and visible from public view. Nuisance vehicles shall be abated in accordance with Chapter 8.08 of this code, or any successor chapter;
- F. Vehicles parked or stored in residential zoning districts on property, other than on driveways or other impervious surfaces, and visible from public view;
- G. Buildings which are abandoned, partially destroyed, left in an unreasonable state of partial construction or have been declared substandard or dangerous by the Enforcement Authority;
- H. Unpainted buildings and those having dry rot, warping or termite infestation. Any building on which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation as to render the building unsightly and in a state of disrepair;
- I. Buildings with windows containing broken glass or no glass at all, where the window is of a type which normally contains glass, which constitutes a hazard and/or invites trespassers and malicious mischief. Plywood or other material used to cover such window space, if permitted under this code, shall be painted in a color or colors compatible with the remainder of the building;
- J. Building exteriors, walls, fences, driveways, sidewalks or walkways which are maintained in such condition as to become defective or unsightly or are materially detrimental to nearby properties and improvements. Fencing or walls installed on private property adjacent to any public parks, drainage, wetlands or private or public open space shall be maintained in a good and undamaged condition and the removal of such fencing or walls is prohibited unless for the purpose of immediate installation of new fencing or walls in the same location or further within the private property;

- K. Construction equipment, farm machinery, or machinery of any type or description parked or stored on the owner's property when it is visible from a public view, except:
 - 1. During excavation, construction or demolition operations covered by an active building permit which are in progress on the subject property or an adjoining property,
 - 2. During active farming operations, or
 - 3. When such machinery in an agricultural or industrial zoning district is appropriately stored;
- L. Property which lacks landscaping, turf, ground cover, mulch, live plant material, decorative rocks, or other commonly used landscape material, or property existing in such a state which may create a condition of excessive dust or soil erosion;
- M. The keeping, storing, depositing or accumulation for an unreasonable period of time of dirt, sand, gravel, concrete, and other similar materials, which manner of keeping, storing, depositing or accumulation constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses;
- N. Any vehicle, accessory vehicle, or similar equipment repair and maintenance activity in a residential zoning district beyond minor maintenance and repair activity on a vehicle, accessory vehicle, or similar equipment for personal use or hobby use for the sole benefit of the home owner or resident.
 - 1. Minor repair and maintenance of vehicles and similar equipment shall include brake part replacement, minor tune-up, change of oil and filter, repair of flat tire, lubrication and other similar operations. Minor vehicle repair or maintenance does not include body or painting work of vehicle or vehicle parts.
 - 2. It shall be unlawful for any person to engage in, or permit others to engage in, minor vehicle, accessory vehicle or similar equipment repair or maintenance in any residential zoned district under any of the following circumstances:
 - a. Using tools not normally found in a residence, including, but not limited to, air tools, grinders, paint booths, and welding equipment;
 - b. Conducted on vehicles or accessory vehicles not registered with the California Department of Motor Vehicles to person(s) currently residing on the parcel or similar equipment not owned by person(s) residing on the parcel; and
 - c. Conducted outside a fully enclosed garage or accessory structure and resulting in the vehicle, accessory vehicle, or similar equipment being inoperable for a period in excess of 24 hours.
- P. The maintenance or keeping of any graffiti on any fence, wall, existing building, paved area, or structure. Graffiti removal or abatement shall be in accordance with Chapter 9.32 of this code, or any successor chapter. Graffiti shall be reported to the Police Department and abated by repainting the entire surface area on which the graffiti

exists and property owner shall use paint that matches (to the greatest degree possible) color of remaining portion of the structure being painted, or otherwise approved by the city.

Section 6. Repeal and Reenact. Section 8.04.030 of Title 8, Chapter 8.04 of the Rocklin Municipal Code is hereby repealed and reenacted as follows:

8.04.030 Declaration of public nuisance

Any property found to be maintained in violation of the foregoing section is declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition or repair pursuant to the procedures set forth in Chapters 1.08 through 1.18 of Title 1 of this code, or any successor chapter.

- A. Notice of Pending Enforcement Action. If compliance with a notice of violation, citation, or order is not made within the time specified therein or any extension authorized by the Enforcement Authority in writing, and no appeal has been properly and timely filed, the Enforcement Authority shall file in the office of Placer County Recorder a notice describing the property and certifying that: 1) the parcel, dwelling or portion thereof is a nuisance as defined in this chapter; and 2) the owner has been so notified.
- B. Notice of Release of Pending Enforcement Action. Whenever the repairs ordered shall thereafter have been completed or the structure demolished so that it no longer exists as a nuisance on the property described in the notice with the Placer County Recorder, the Enforcement Authority shall file a notice with the Placer County Recorder certifying that the parcel, dwelling or portion thereof has been repaired or demolished, and that the dwelling or portion thereof is no longer a nuisance, whichever is appropriate under the circumstances.

Section 7. Repeal and Reenact. Section 9.32.130 of Title 9, Chapter 9.32 of the Rocklin Municipal Code is hereby repealed and reenacted as follows:

9.32.130 Notice and order to remove—Form.

Upon discovering graffiti on public or private property, a code enforcement officer shall cause a notice and order to abate and remove graffiti to be mailed to, or personally served upon, the owners of the property, as shown on the latest equalized assessment roll, and any individuals known to have applied the graffiti to the property. The notice and order shall advise as follows:

- A. If the graffiti is not removed within seventy-two (72) hours, the city shall remove the graffiti and assess the costs to the property owner and/or the individuals responsible.
- B. If a responsible individual is a minor, costs shall be assessed to the parents or guardians of that minor.

- C. If consent to remove the graffiti is provided to the city by the owner, or any person so authorized by the owner, within the time given to remove the graffiti, the city shall remove the graffiti and assess the costs to the property owner and/or individuals responsible.
- D. Prior to removal of said graffiti, the property owner shall report graffiti vandalism to the Rocklin Police Department.
- E. The owner or individual may appeal the order to abate and remove graffiti as set forth in Chapter 9.01 of this Title 9, or any successor chapter.

Section 8. Repeal and Reenact. Section 17.08.130 of Title 17, Chapter 17.08 of the Rocklin Municipal Code is hereby repealed and reenacted as follows:

17.08.130 - Off-street parking of accessory vehicles.

- A. Purpose and Intent. The parking restrictions set forth in this section are designed to limit temporary parking, and prohibit storage of Accessory Vehicles, as that term is defined below, to improve the appearance and aesthetic values of the city and to further eliminate or prevent the occurrence of potential traffic hazards.
- B. The words, terms, phrases, and their derivations set forth in this Chapter 17.08 have the meanings set forth below.
 - 1. "Accessory Vehicle" means and includes campers, recreational vehicles and utility trailers as defined below.
 - 2. "Camper" means a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes.
 - 3. "Enforcement Authority" means the city manager or designated department head, building official, code enforcement officer, or public official charged with responsibility for enforcement under this title.
 - 4. "Recreational Vehicle" means a vehicle or trailer which is capable of human habitation or designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any structure inspected, approved and designated a recreational vehicle by and bearing the insignia of the state of California or any other state or federal agency having the authority to approve recreational vehicles. "Recreational vehicle" includes, without limitation, any of the following: (1) camp trailer, as defined by California Vehicle Code Section 242; (2) fifth-wheel travel trailer, as defined by California Vehicle Code Section 324; (3) house car, as defined by California Vehicle Code Section 362; (4) trailer coach, as defined by California Vehicle Code Section 635; (5) mobile home, as defined by California Vehicle Code Section 396; (6) boat, watercraft, and/or a trailer for a boat or watercraft; (7) trailers designed to carry persons, property or animals on its own structure and to be drawn by a motor vehicle; and (8) recreational vehicle, as defined by California Health and Safety Code Section 18010.

5. "Store" or "Stored" means parking in a location on three (3) consecutive days or nine (9) intermittent days within a thirty (30) day period at any point in time.
 6. "Utility Trailer" means a nonmotorized vehicle designed to carry persons, property, animals, waste, materials, watercraft, or any other items on its own structure and to be drawn by another motor vehicle which is not designed for recreational purposes.
- C. No person shall use any Accessory Vehicle for living or sleeping purposes, or as a principal place of business operations except as specifically provided in this Title 17. Utility connections for water, sewer, or power shall be prima facie evidence of occupancy as a residence or business, except for the temporary (twenty-four hours) use of power to recharge batteries or service appliances.
- D. It is a violation of this section to Store an Accessory Vehicle in any zoning district at the following locations, except as provided in subsection F below:
1. In any front yard or street side yard setback in any zone including driveways;
 2. On a public street in any zone; or
 3. In any required off-street parking area in any commercial or industrial zone.

If an Accessory Vehicle is Stored on private property in violation of this Section, both the Accessory Vehicle owner and private property owner, if different persons or entities, shall be in violation of this Section.

- E. An Accessory Vehicle shall be considered "Stored" for the purposes of this Section 17.08.130 if it is Stored in any single location or combination of locations described in Section 17.08.130(D). It shall be prima facie evidence of a "Stored" Accessory Vehicle if the Enforcement Authority has documented the presence of the Accessory Vehicle at any single prohibited location or combination of prohibited locations at any point in time on three (3) consecutive days or nine (9) intermittent days within a thirty (30) day period.
- F. Exceptions.
1. Off-street parking area in any commercial or industrial zone specifically approved to serve a business whose primary purpose is to service, sell, repair or perform maintenance upon an Accessory Vehicle.
 2. Mobile or portable structures for city, county, state, and federal government use are permitted in all zones.
 3. Construction site temporary offices may be located pursuant to Section 17.08.140.
 4. A motor home or mounted camper which is normally used for every day transportation, is mounted on a one ton or less pickup, and is not more than nine (9) feet in height measured from the surface of the street.
 5. A person who has been granted a reasonable accommodation from this Section under Chapter 17.83 of the Rocklin Municipal Code.
- G. Violation of this section is deemed to be an infraction and is punishable as such pursuant to Title 1 of the Rocklin Municipal Code, or at the discretion of the Enforcement Authority

or city attorney, may be punishable by the use of any other criminal, civil or administrative remedy or penalty authorized by, or set forth in, the Rocklin Municipal Code.

Section 8. Repeal and Reenact. Section 17.83.020 of Title 17, Chapter 17.83 of the Rocklin Municipal Code is hereby repealed and reenacted as follows:

Section 17.83.020- Applicability.

A request for reasonable accommodation may be made by any property owner, duly authorized tenant or lessee who desires a waiver from a provision of this Title 17 or to implement improvements to a specific property for the purpose of providing relief when the application of a zoning law or other land use regulation, policy, practice, project entitlement exhibit or condition of approval acts as a barrier to reasonable access. This section is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards, practices, and project entitlement exhibits or conditions of approval for the siting, development and use of structures and facilities that would eliminate regulatory barriers and provide a person with a disability with equal opportunity to access housing and places of business. Requests for reasonable accommodation shall be made in the manner prescribed by Section 17.83.030.

Section 9. Amendment. Section 17.83.030(A)(3) of Title 17, Chapter 17.83 of the Rocklin Municipal Code is hereby amended in its entirety to read as follows:

3. The street address and assessor's parcel number of the property for which the request is being made, and, if relating to an accommodation for an Accessory Vehicle, as defined in Section 17.08.130(B)(1) of the Rocklin Municipal Code, the vehicle identification number, license plate, and any other identifying information regarding the Accessory Vehicle requesting to be used as part of the reasonable accommodation as requested by the community development director;

Section 10. Amendment. Section 17.83.030(A)(8) of Title 17, Chapter 17.83 of the Rocklin Municipal Code is hereby amended in its entirety to read as follows:

8. Photos, site plans, drawings, and/or other graphics as may be needed to make the proposed changes clear, and, if for an Accessory Vehicle, a description of the Accessory Vehicle, including its dimensions, purpose to support the reasonable accommodation, and other information regarding the Accessory Vehicle as requested by the community development director.

Section 11. Amendment. Section 17.83.050(A)(1) of Title 17, Chapter 17.83 of the Rocklin Municipal Code is hereby amended in its entirety to read as follows:

1. Whether the property which is the subject of the request will be used by an individual or a group of individuals considered disabled under the Acts, and that the accommodation requested is necessary to make the specific property accessible to the individual or group of individuals with (a) disability(ies) under the Acts;

Section 12. Severability. If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 13. Environmental Analysis. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) and 15061(b)(3) of the California Code of Regulations Title 14, Division 6, Chapter 3 (“CEQA Guidelines”), because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and there is no possibility the activity in question may have a significant effect on the environment.

Section 14. Effective Date. This ordinance shall take effect thirty (30) days after the day of its adoption.

Section 15. Publication. Within 15 days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, a summary of the ordinance, or an advertisement of the ordinance to be published in a newspaper of general circulation, with the names of those City Councilmembers voting for and against the ordinance, in accordance with Government Code section 36933.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on January 11, 2022, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on _____, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Bill Halldin, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

First Reading: 01/11/2022

Second Reading:

Effective Date: