

ORDINANCE NO. 53

AN ORDINANCE OF THE CITY OF FONTANA ESTABLISHING A BUILDING SETBACK LINE ON PROPERTY ABUTTING ALL STREETS AND HIGHWAYS AND ROAD EASEMENTS IN SAID CITY, AND PRESCRIBING PENALTIES FOR ITS VIOLATION.

The City Council of the City of Fontana does ordain as follows:

Section 1. For the public health, safety and general welfare, building setback regulations for all structures are hereby established for all property abutting any public street and highway, limited access right of way, or road easement within the City of Fontana.

Section 2. For the purpose of this Ordinance, the following definitions shall apply:

"STRUCTURE" shall mean any construction, building, fence, tower, or edifice of any kind which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires a building permit issued by the Building Department of the City of Fontana, and shall include any advertising structure as defined in Section 5202 of the California Outdoor Advertising Act, with more than eighteen (18) square feet of area.

"STREETS AND HIGHWAYS" shall mean all rights-of-way dedicated, or deeded, for public use, or delineated on a map of record recorded with the County Recorder of the County of San Bernardino.

"LIMITED ACCESS HIGHWAY" shall mean any dedicated or deeded public right-of-way, in respect to which the owners of abutting lands have only limited or restricted right or easement of access to or from their abutting lands.

"FREEWAY" shall mean any dedicated or deeded public right-of-way, in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands.

"ROAD EASEMENT" shall mean any property which is reserved or is in general use for road purposes to provide primary access for the public to any parcel or parcels of land, provided that such property is not included in the definition herein of "STREETS AND HIGHWAYS."

Section 3. Any person, firm or corporation constructing, erecting, enlarging, relocating, or altering a structure or portion of any structure fronting or siding on any public street, highway, limited access right of way, or road easement shall place such structure no closer than as shown in the following schedule, measuring from the front property line or side property line of such street or highway or limited access highway, and measuring

from the recognized easement line of road easements, as follows:

Streets and Highways	Minimum setback from property line:
Widths:	
10' to 40' inc.	30'
41' to 60' inc.	25'
61' and over	25'
Limited Access Rights of Way (excluding freeways)	40'

Road Easements—25' minimum setback from recognized easement line.

A. Where setback requirements in the above schedule provide less than 100' distance between opposite setback lines facing on rights of way, the minimum setback requirement shall be 50 feet from the center of these rights-of-way.

B. Where a minimum setback distance greater than that shown in the above schedule clearly exists as a general pattern in a community or residential area, the minimum setback requirements for the area shall be not less than the distance established by the existing setback pattern in the area as determined by the City Planning Commission.

C. Setback lines, as delineated on all subdivision and record of survey maps of record in the County of San Bernardino, shall establish the setback requirement for property within said subdivisions and records of survey.

Section 4. Any person, firm or corporation desiring to obtain a variance from any of the building setback requirements of this Ordinance shall make application to the Planning Commission, which body shall take action thereon recommending approval, or denial, the recommendation for approval to be given only if proof of hardship is submitted with the application, and the variance is deemed to be reasonable and necessary, considering building setbacks on adjacent properties, traffic safety, highway improvements and other pertinent factors. The City Council, upon receipt of the recommendation of the Planning Commission, shall take action thereon granting or denying the variance request.

Section 5. Any person, firm or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment in the County Jail of said County, for a term not exceeding six (6) months, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as herein provided.

The failure of any owner to remove any building or structure which is in violation of the terms of this Ordinance after personal service upon him of a written demand of the City Attorney of said City to remove the same

shall be deemed a violation of this Ordinance, and a distinct and separate violation of the terms of this Ordinance shall be deemed to have been committed by said owner for each day during any portion of which he shall fail to remove said building or structure after the service of said demand.

Any building or structure in violation of the provisions of this Ordinance shall be and the same is hereby declared to be a public nuisance and the City Attorney of said City shall, upon being notified by the City Council of said City of any such violation, immediately commence such action or actions, proceeding or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to any court having jurisdiction for such other relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from maintaining any such building or structure.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect validity of the remaining portions of this Ordinance. City Council of the City of Fontana, State of California, hereby declares that it would have passed this Ordinance, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7. This Ordinance shall take effect thirty (30) days from and after its passage, and prior to the expiration of fifteen (15) days from the date of its passage shall be published for at least one time in the Fontana Herald and News, a newspaper printed and published in the City of Fontana, State of California, together with the names of the Councilmen voting for and against the same.

R. J. L. GAZVODA,
Mayor of the
City of Fontana.

ATTEST:
GEORGE W. VIERRA,
City Clerk.

I, George W. Vierra, City Clerk of the City of Fontana and ex-officio Clerk of the City Council of said City, do hereby certify that the foregoing Ordinance No. 53, which was introduced at a regular meeting of said Council held the 3rd day of November, 1953, was finally passed not less than five days thereafter on the 17th day of November, 1953, at a regular meeting thereof by the following vote:

AYES: Councilmen Bulik, Conlon, Gazvoda, Larson, Meade.

NOES: None.

ABSENT: None.

I further certify that said Ordinance was thereupon signed by the Mayor of the City of Fontana, and by
GEORGE W. VIERRA, City Clerk
(Nov. 24, 1953)
of the City of Fontana.

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } ss.

I, GEORGE W. VIERRA, City Clerk of Fontana, do hereby certify that the foregoing is a true and correct copy of Ordinance No.....of said City; that said Ordinance was duly passed and adopted at a.....meeting of the City Council on the.....day of....., 19.....by the following vote:

AYES : Councilmen
NOES : Councilmen
ABSENT : Councilmen

and that thereafter the said Ordinance was duly adopted and signed by the Mayor of the City of Fontana at ameeting of the City Council, held on the.....day of....., 19.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this.....day of....., 19.....

(SEAL)

City Clerk of the City of Fontana