

ORDINANCE NO. 2021-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, COUNTY OF SAN BERNARDINO, CALIFORNIA, ADDING CHAPTER 8.75 OF THE CHINO MUNICIPAL CODE REGULATING THE PARKING AND STORAGE OF HISTORICAL COMMERCIAL VEHICLES, AND AMENDING CHAPTER 10.30 TO ALLOW FOR THE PARKING AND STORAGE OF PERSONAL-USE COMMERCIAL VEHICLES

WHEREAS, the City of Chino ("City") is authorized by Article XI, Section 7 of the California Constitution to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws and that serve and protect the health, safety and/or welfare of the public; and

WHEREAS, the City is authorized by Article XI, Section 7 of the California Constitution and California Government Code section 38771 to define what activities or conditions within the City constitute a nuisance; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors, and businesses, and in preserving the quality of life and character of existing residential neighborhoods within the city, by reasonably regulating the parking and storage of commercial and historical commercial vehicles in residential neighborhoods; and

WHEREAS, the City has experienced an increase in demand from its residents for the parking and storage of personal-use commercial vehicles and historical commercial vehicles on residential property; and

WHEREAS, the City desires to allow the parking and storage of personal-use commercial vehicles and historical commercial vehicles on property in a manner that preserves the quality of life and character of existing residential neighborhoods to the greatest extent practical, while limiting the negative impacts associated with the parking and storage of commercial vehicles and historical commercial vehicles in residential neighborhoods; and

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

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. Chino Municipal Code Chapter 8.75 (Historical commercial vehicles Parking And Storage) is hereby added, and is to read in its entirety as follows:

Chapter 8.75

HISTORICAL COMMERCIAL VEHICLES PARKING AND STORAGE

Sections:

8.75.010	Definitions
8.75.020	Permissible parking and storage of historical commercial vehicles
8.75.030	Prohibited parking and storage of historical commercial vehicles
8.75.040	Violations declared a nuisance
8.75.050	Violations and penalties
8.75.060	Cumulative remedies

8.75.010 — Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "Historical commercial vehicle" means any commercial motor vehicle, not including trailers, as defined by Section 10.30.020 of this Code, manufactured after 1922, that is at least 25 years old, of historic interest, and has a current Historical Vehicle License Plate issued by the California Department of Motor Vehicles.

B. The term "historic interest" shall have the same definition as found in California Vehicle Code section 5004(f): California Vehicle Code section 5004(f) states that "a vehicle is of historic interest if it is collected, restored, maintained, and operated by a collector or hobbyist principally for purposes of exhibition and historic vehicle club activities."

C. The term "stored" means continuously parked in the same location for more than seventy-two hours.

D. The term "parking lot" means any lot, spot, or area used for the parking of motor vehicles.

8.75.020 — Permissible parking and storage of historical commercial vehicles.

The parking and storage of historical commercial vehicles on residential lots shall comply with the following regulations:

A. A historical commercial vehicle may only be stored on property within the RD1 and RD2 zoning districts owned by the owner of the historical commercial vehicle or on property where the registered owner resides.

B. A stored historical commercial vehicle shall bear both current vehicle registration and a Historical commercial vehicle License Plate issued by the California Department of Motor Vehicles prominently displayed on the historical commercial vehicle.

C. Historical commercial vehicles may be stored within an interior side yard or within a street side yard, provided they do not encroach over a sidewalk or other parts of the public right-of-way.

D. Historical commercial vehicles shall not be stored within any required front or street side setback area.

E. Historical commercial vehicles in a wrecked, dismantled or inoperative condition may only be stored within an interior side yard or within a street side yard when the vehicles are undergoing active and continuous restoration. No historical commercial vehicles may be stored in a wrecked, dismantled or inoperative condition for a period cumulatively exceeding 365 days even while undergoing active and continuous restoration. No more than two historical commercial vehicles in a wrecked, dismantled or inoperative condition may be stored within an interior side yard or within a street side yard.

F. All stored historical commercial vehicles shall be screened from public view by building walls, decorative screen walls or fences and landscaping to the greatest extent possible or stored within an enclosed garage.

G. A historical commercial vehicle may be parked for a maximum of seventy-two hours in the driveway or on a paved surface in the front yard area, provided the vehicle is parked perpendicular to the street and does not encroach over a sidewalk or other part of the public right-of-way.

8.75.030 — Prohibited parking and storage of historical commercial vehicles.

B. It is unlawful to park or store a historical commercial vehicle on any public or private non-residential parking lot in the City for longer than twelve hours, either consecutively or in the aggregate within any twenty-four hour period.

C. A parked or stored historical commercial vehicle governed by this Chapter shall not be occupied as a dwelling, otherwise used for sleeping purposes or itself be used for storage in the interior of the vehicle.

8.75.040 — Violations declared a nuisance.

A. Any violation of any provision of this chapter is declared to be a public nuisance.

B. Each day a violation of this Chapter is maintained, caused or permitted by any owner, occupant or other person or entity shall constitute a separate and distinct violation.

8.75.050 — Violations and penalties.

A. Any violation of this Chapter constitutes a misdemeanor, punishable pursuant to Chapter 1.12 (General Penalty), at the discretion of the city prosecutor, and any violation of this Chapter is subject to administrative citation and fine, at the discretion of the City, pursuant to Chapter 1.15 (Administrative Fines).

B. Any parking or storage of historical commercial vehicles in violation of any provision of this Chapter is a public nuisance as provided in Section 8.75.040, and as such, may be abated in accordance with applicable law, including but not limited to, the procedures for abatement and the recovery of costs of abatement set forth in Chapters 8.50 and Chapter 1.12 as reasonably applied to the enforcement of this Chapter, as well as or alternatively, by injunctive relief.

8.75.060 — Cumulative Remedies.

The remedies described in this Chapter are intended to be cumulative and not exclusive. Pursuit of any one remedy shall not preclude the City from availing itself of any or all administrative, civil, criminal, or other remedies, at law or equity, in lieu of or in conjunction with each other.

SECTION 3. Chino Municipal Code section 10.30.020 is hereby amended as follows (new text in underline, deleted text in ~~strike through~~):

10.30.020 — Definitions.

A. For purposes of this title, Title 8, and Title 20, “commercial vehicle” shall mean a vehicle that fits any of the descriptions below:

1. A vehicle of a type that:
 - (a) Is required to be registered as a commercial vehicle under Section 260 of the Vehicle Code; and
 - (b) Is used on a regular basis as part of an ongoing business endeavor.
2. A vehicle whose ~~gross vehicle weight rating~~ curb weight is ten thousand pounds or more. ~~“Gross vehicle weight rating” means the weight, in pounds, of the chassis of a truck or truck tractor with lubricants, radiator full of water, full fuel tank or tanks, plus the weights of the cab or driver’s compartment, body, special chassis and body, equipment and payload as authorized by the chassis manufacturer.~~ “Curb weight” means the actual or the manufacturer’s estimated weight of the vehicle in operational status with all standard equipment, maximum capacity of fuel, oil and coolant, but without any passengers, cargo or separately loaded items in the vehicle.

In the event a vehicle is equipped with an identification plate or marker bearing the manufacturer's name and manufacturer's ~~gross vehicle weight rating~~ curb weight, the ~~rating~~ curb weight stated therein shall be prima facie evidence of the ~~gross vehicle weight rating~~ vehicle's curb weight.

3. A vehicle that is more than eight feet tall or more than twenty-two feet long, except any recreational vehicle, or historical commercial vehicle as defined by Subsection 8.75.010 of this Code.

B. With respect to any motor vehicle designed, used, or maintained primarily for the transportation of property, whose ~~gross vehicle weight rating~~ curb weight cannot be determined, for purposes of this title, Title 8, and Title 20, the ~~gross vehicle weight rating~~ curb weight shall be determined as follows:

1. Any motor vehicle having six wheels or more is the equivalent of a vehicle having a ~~gross vehicle weight rating~~ curb weight of ten thousand pounds or more, except that motor vehicles having two dual rear wheels and a total of six wheels shall be considered to have a curb weight of less than ten thousand pounds;
2. "Motor truck" means a motor vehicle designed, used or maintained primarily for the transportation of property.

C. "Truck-tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

D. For purposes of this title, Title 8, and Title 20, "trailer" and "semi-trailer" shall be defined as in Section 630 and Section 550, respectively, of the Vehicle Code, regardless of the size, width, length or height of the vehicle.

SECTION 4. Chino Municipal Code section 10.30.030 is hereby amended as follows (new text in underline, deleted text in ~~strike through~~):

10.30.030 – Parking and storage restricted.

A. It is unlawful for any commercial vehicle, as defined in Section 10.30.020 of this Code, to be left parked or standing on any public or private property unless it is being loaded or unloaded, and then only for no more than three consecutive hours.

B. It is unlawful for any commercial vehicle, as defined in Section 10.30.020 of this Code, to be stored on any part of any private residential property. For purposes of this section, "stored" shall mean to leave a commercial vehicle on any part of the same private property for a total of more than three hours in any thirty-day period.

C. It is unlawful for any trailer or semi-trailer, as defined in Section 10.30.020 of this Code, to be left parked or standing on any public or private property unless it is being loaded or unloaded, and then only for no more than three consecutive hours.

D. It is unlawful for any trailer or semi-trailer, as defined in Section 10.30.020 of this Code, to be stored on any part of any private residential property. For purposes of this section, "stored" shall mean to leave a trailer or semi-trailer on any part of the same private property for a total of more than three hours in any thirty-day period. This section shall not apply to any trailer or semi-trailer that is less than twenty-two feet long and is being used exclusively for a recreational purpose, pursuant to Title 20, Subsection 20.10.100B.

E. Any commercial vehicle, trailer, or semi-trailer that is left stopped, standing, or parked in excess of three hours will be subject to a written citation and, if left unattended for a consecutive period of six hours or more, shall be deemed abandoned and any peace officer of the city may remove or cause the removal of said trailer or semi-trailer pursuant to Section 22669(a) of the Vehicle Code. Removal of any vehicle shall be done at the owner's expense.

F. Nothing in this Section shall be construed to prevent the parking or storage of a commercial vehicle on residentially-zoned lots within the City that are resided in by the owner of the commercial vehicle or employee of the owner of the commercial vehicle who is required to operate the commercial vehicle as part of his/her employment regularly, provided the following requirements are also met: (1) the commercial vehicle's curb weight is less than ten thousand pounds; (2) the commercial vehicle is no more than eight feet tall or twenty-two feet long and has no attached equipment that can extend beyond the commercial vehicles' height or length, such as telescopic buckets; and (3) the commercial vehicle, if used for delivery of goods, services, or property, must be used as part of the business operations of a local business. For purposes of this Chapter, "local business" means a business that sells its products and/or services to consumers in its own city, town, or geographic area, but does not operate nationally or internationally. For commercial vehicles qualifying under this Subdivision F for parking or storage on residentially-zoned lots, the following applies:

1. Commercial vehicles shall bear current vehicle registration that shall be prominently displayed on the vehicle as provided by State law.
2. Commercial vehicles may be stored within an interior side yard or within a street side yard, provided they do not encroach over a sidewalk or other parts of the public right-of-way.
3. Commercial vehicles shall not be stored within any required front or street side setback area.
4. Commercial vehicles in a wrecked, dismantled or inoperative condition may only be stored within an interior side yard or within a

street side yard while undergoing active and continuous restoration. No commercial vehicles may be stored in a wrecked, dismantled or inoperative condition for a period cumulatively exceeding 365 days even while undergoing active and continuous restoration. No more than two commercial vehicles in a wrecked, dismantled or inoperative condition may be stored within an interior side yard or within a street side yard.

5. All stored commercial vehicles shall be screened from public view by building walls, decorative screen walls or fences and landscaping to the greatest extent possible, or in a fully enclosed garage.
6. A commercial vehicle may be parked for a maximum of seventy-two hours in the driveway or on a paved surface in the front yard area, provided the vehicle is parked perpendicular to the street and does not encroach over a sidewalk or other part of the public right-of-way.

SECTION 5. Chino Municipal Code section 8.50.040 is hereby amended as follows (new text in underline, deleted text in ~~strike through~~):

8.50.040 – Nuisances.

It is declared a nuisance for any person, entity or association owning, leasing, occupying or having charge of any agricultural, commercial, industrial, or residential lot, premises or structure in the city to cause, allow, or maintain such in any one or more of the following conditions:

A. Property maintenance—Nuisances.

1. Overgrown vegetation, including trees, wood, shrubbery, groundcover, lawns, or decorative plantings that harbor rats, rodents, or vermin, or are likely to harbor rats, rodents, or vermin, or are substantially dissimilar to the condition of landscape on surrounding properties.
2. Dead, decayed or diseased trees, shrubs, turf or other vegetation.
3. Any yard that is in public view, in which the lack of landscaping, irrigation or maintenance results in the exposure of an area greater than six square feet of bare dirt or is substantially dissimilar to the condition of landscape on surrounding properties. This requirement does not apply to that portion of a lot which is under cultivation of a crop or orchard, or which is landscaped with shrubs or ornamental plant material.
4. The covering of the required landscape area in any yard in public view, with unnatural or synthetic materials whose general use is not

intended for use as outdoor landscape material, such as but not limited to, carpet, plastic sheeting, or paper products.

5. Storage of landscape debris in any yard in public view, for a period of time exceeding seven calendar days unless screened from view by a five-foot-high wall or opaque fence.
6. Refuse, rubbish, or nuisance waste due to any construction activity that accumulates in any yard for a period exceeding seven calendar days, unless it is screened from public view by a five-foot-high wall or opaque fence.
7. Storage of construction equipment, machinery, or building materials in any yard for a period of time exceeding seven calendar days, unless they are screened from view by a five-foot-high wall or opaque fence.
 - a. If building materials are kept for a period of time greater than seven (7) days on any property, they shall be kept out of public view, and stacked in an orderly manner at least six inches off the ground so as to reduce the likelihood of attracting rats, rodents or vermin
8. Any gardening items and related equipment stored in the front yard or in a side yard or back yard abutting a street for a period in excess of seven calendar days, unless they are screened by a five-foot-high wall or opaque fence.
9. Refuse, trash, debris or waste visible from public view or neighboring properties.

B. Main buildings and accessory structures—Nuisances.

1. Any portion of a building that is unpainted or untreated so as to expose raw building material to the elements or which is visible from any public right-of-way, street or alley.
2. Any portion of a building which has damaged woodwork or wall coverings including, but not limited to, unpainted surfaces, chipped or peeling paint, damaged brickwork, stonework, stucco, or wood, such that the affected area is in excess of the following:
 - a. Ten percent of total exposed material used for trim, fascia, rafters, or rain gutters.
 - b. Five percent of wall surfaces as measured along any single plane of the building.

3. Additions alterations or modifications to the structure, roof, or fences and walls which are not compatible with the existing structure or features such as doors, windows, screens, roofs, rooftop appurtenances, fences, walls, or architectural treatment, not consistent with existing construction, or is substantially dissimilar to surrounding property.
4. Any roof, or portions thereof, that is damaged, dilapidated, or inadequately or improperly maintained such that it is structurally unsafe, or allows penetration of water to the sub-structural elements such as sheathing, roofing felt, rafters, or ceiling, or exposes sub-structural elements to view, or is missing roof material, or is substantially dissimilar to surrounding properties.
5. Buildings or structures that have broken, damaged or missing windows, doors, attic vents, and underfloor vents rendering these items unusable for their purpose and causing an attractive nuisance.
6. Garage doors that are missing, broken, sag or buckle to the extent that they cannot be either opened or closed, rendering the garage unusable for its purpose and causing an attractive nuisance.

C. Supplemental elements—Nuisances.

1. Driveways and walkways that are in such a state that weeds are overgrown through the cracks.
2. Fences or walls that are not structurally intact, or that are damaged, dilapidated, or in nonconformance with specific provisions mentioned elsewhere in the zoning ordinance or approved development plans.
3. Freestanding mailboxes that are not maintained in good repair or are not structurally intact.
4. Excessive individual ornamentation or architectural elements not in keeping with the overall character of a neighborhood.
5. Portions of any lot or premises used in such a manner or neglected to an extent, which subjects adjacent properties or lots to any of the following in a substantial way intense visible light, vibrations; excessive sound; electro-mechanical or electromagnetic disturbance; radiation; air or water pollution; dust or emissions of odorous, toxic, or noxious matter; or unsightly refuse or waste.
6. Attractive nuisances. Property or premises that are maintained in such a condition as to cause an immediate threat to the health, safety and welfare of the general public and specifically attractive to

children. Such conditions include, but are not limited to the existence of, maintenance of, or the scattering of any of the following over the property or premises for any duration of time:

- a. Hazardous pools, ponds, excavations and piles of dirt.
 - b. Polluted water.
 - c. Neglected, abandoned or unattended machinery or furniture.
 - d. Furniture or household equipment, including abandoned, discarded or unattended objects such as stoves, refrigerators, freezers, cans, containers or packing boxes.
 - e. Graffiti (permitting or allowing any graffiti to remain on any building, wall, fence or structure for a duration longer than seventy-two hours).
 - f. Clotheslines in the front yard.
 - g. Unoccupied buildings or structures not secured and accessible to persons not authorized to use such structures and which pose a threat to the safety of the public.
 - h. Excessive amount of oil spillage in driveway.
7. Commercial equipment, as that term is defined in section 8.50.030, when maintained on any part of any residential property.

D. Vehicles—Nuisances.

1. Commercial vehicles (as that term is defined in section 10.30.020 of this Code) that are being stored, parked, garaged, or maintained in a residential zone, unless loading or unloading or qualifying under section 10.30.030F of this Code.
2. Vehicles and equipment parked or stored for any period of time on an unpaved surface. (Refer to Title 20 [Zoning] of this Code for additional vehicle parking and storage requirements). Areas for the movement, parking, loading, repair or storage of vehicles or equipment shall be paved with a continuous impervious material so as to provide an even, unbroken driving surface, and shall be striped as may be required by Chapter 20.18 (Off-Street Parking and Loading) of this Code to assure proper parking alignment and circulation. These requirements shall not apply to areas beneath mobile homes or parked vehicles or equipment that are screened

from view of the public street by a minimum five-foot-high wall or opaque fence.

3. On any residentially zoned property, it shall be unlawful to park or store in the required front yard or in a driveway for more than seventy-two hours any inoperable vehicle or any vehicle parts. No more than two inoperable vehicles may be stored in the side yard or rear yard, and only provided that the vehicle(s) is (are) screened from public view by a minimum five-foot-high wall or opaque fence.
4. All vehicles being stored or undergoing repairs, maintenance, or restoration must be registered to the property address and screened from public view by a minimum five-foot-high wall or opaque fence.
5. Exception. This chapter shall not apply to:
 - a. A vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
 - b. A vehicle or vehicle part that is stored or parked in a lawful and code-compliant manner on commercial or industrially zoned property.

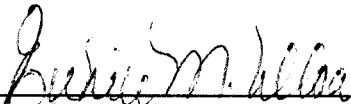
E. Other nuisances. Any other violation of this code, adopted or uniform codes, or State or Federal law enforceable by the City, or any condition of approval, regulation or order of the City shall constitute a public nuisance subject to abatement by any means available by law.

SECTION 6. Severability. If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

SECTION 7. CEQA. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the Guidelines, in that the Ordinance alone does not have the potential for causing a significant effect on the environment. Further permits and approvals will be required before any activity that will affect the environment will be permitted.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

APPROVED AND ADOPTED THIS 18TH DAY OF MAY 2021.


EUNICE ULLOA, MAYOR

ATTEST:


ANGELA ROBLES, CITY CLERK

State of California)
County of San Bernardino)
City of Chino)

I, Angela Robles, City Clerk of the City of Chino, do hereby certify that the forgoing Ordinance was duly adopted by the City Council at a meeting held on the 18th day of May 2021, by the following votes:

AYES: COUNCILMEMBERS: ULLOA, LUCIO, COMSTOCK, FLORES, POCOCK

NOES: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE


ANGELA ROBLES, CITY CLERK