

## **Title 4 PUBLIC SAFETY**

### **Chapters:**

Chapter 1 - BICYCLES

Chapter 2 - EMERGENCY PREPAREDNESS

Chapter 3 - FIRE CODE

Chapter 4 - TRAFFIC

Chapter 5 - PRIVATE PATROL SYSTEMS AND PRIVATE WATCHMEN

Chapter 6 - DISCHARGE OF WEAPONS

Chapter 7 - FIREWORKS

Chapter 8 - SKATEBOARD REGULATIONS

Chapter 9 - SKATEBOARD FACILITIES

Chapter 10 - SPORTS/RECREATIONAL FACILITIES LAW

Chapter 11 - POLICE DEPARTMENT

### **Chapter 1 BICYCLES**

#### **Sections:**

[4-1.01 Licenses—Required.](#)

[4-1.02 Licenses—Issuance—Terms.](#)

[4-1.03 Fees—Supplemental regulations.](#)

[4-1.04 License plates and registration cards.](#)

[4-1.05 Bicycle dealers—Reports.](#)

[4-1.06 Transfer of ownership.](#)

[4-1.07 Tampering unlawful.](#)

[4-1.08 Riding on sidewalks and footpaths.](#)

[4-1.09 Impounding.](#)

[4-1.10 Notification of change of address.](#)

[4-1.11 Disposition of revenues from license fees.](#)

**4-1.01 Licenses—Required.**

It shall be unlawful for any person to operate or use a bicycle propelled wholly, or in part, by muscular power upon any of the streets, alleys, or public highways of the City without first obtaining from the Police Department a license therefor.

**4-1.02 Licenses—Issuance—Terms.**

Three (3) year license periods are hereby established. The Police Department is hereby authorized and directed to issue, upon applications therefor, bicycle licenses which shall be effective for periods of three (3) calendar years, or fraction thereof. Such licenses, when issued, shall entitle the licensees to operate such bicycles for which such licenses have been issued upon all the streets, alleys, and public highways, exclusive of sidewalks, in the City.

**4-1.03 Fees—Supplemental regulations.**

The Council shall, by resolution, establish such fees and charges to be assessed pursuant to the provisions of this chapter and adopt such regulations as the Council deems appropriate.

**4-1.04 License plates and registration cards.**

The City shall provide license plates and registration cards as issued by the Department of Motor Vehicles of the State. The license plates and registration cards and the bicycle frame shall have numbers stamped thereon in numerical order. Such license plates shall be suitable for attachment upon the frames of bicycles, and it shall be the duty of the Police Department to attach one such license plate to the frame of each bicycle and to issue a corresponding registration card to the licensee upon the payment of the license fee provided for in Section 4-1.03 of this chapter. Such license plate shall remain attached during the existence of such license. The Police Department shall also keep a record of the date of issuance of each license, the license number and serial number of the bicycle, the make, type, and model of the bicycle, and the name and address of the licensee. Such records shall be maintained by the Police Department during the period of the validity of the license or until notification that the bicycle is no longer to be operated.

**4-1.05 Bicycle dealers—Reports.**

- (a) Each bicycle retailer shall supply to each purchaser a record of the following information: the name of the retailer, the address of the retailer, the year and make of the bicycle, and the serial number of the bicycle.
- (b) All persons engaged in the business of selling new or secondhand bicycles shall make monthly reports to the Police Department listing all sales made by such dealers, including the name and address of each person to whom a bicycle was sold, the kind of bicycle sold, the description and serial number, and the number of the license plate attached thereto, if any.
- (c) All persons engaged in the business of buying secondhand bicycles shall make monthly reports to the Police Department giving the name and address of the person from whom each bicycle was purchased, a description of each bicycle purchased, the serial number, and the number of the license plate attached thereto, if any.
- (d) No bicycle retailer shall sell any new bicycle unless such bicycle has permanently stamped or cast on its frame a serial number placed there by the manufacturer.
- (e) No retailer shall sell any bicycle unless it is properly equipped as required by State law.
- (f) No person shall sell any bicycle unless it has a serial number or stamped identification number.

**4-1.06 Transfer of ownership.**

It shall be the duty of every person who sells or transfers the ownership of any bicycle to report such sale or transfer by returning to the Police Department the registration card issued to such person as the licensee thereof, together with the name and address of the person to whom such bicycle was sold or transferred. Such report shall be made within ten (10) days after the date of the sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of the license to his or her name within ten (10) days after taking possession of such bicycle.

**4-1.07 Tampering unlawful.**

It shall be unlawful for any person to wilfully or maliciously remove, destroy, mutilate, or alter the number of any bicycle frame licensed pursuant to the provisions of this chapter. It shall also be unlawful for any person to remove, destroy, mutilate, or alter any license plate or registration card during the time such license plate or registration card is operative.

The provisions of this section shall not prohibit the Police Department from stamping numbers on the frames of bicycles on which no serial number can be found or on which such number is illegible or insufficient for identification purposes.

**4-1.08 Riding on sidewalks and footpaths.**

It shall be unlawful for any person to ride any bicycle or tricycle on any sidewalk or footpath in the City.

**4-1.09 Impounding.**

Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction and, upon conviction thereof, shall be punished as set forth in Chapter 2 of Title 1 of this Code. In addition, the Avenal Police Department or other entity charged with the duty of code enforcement for the City, may impound and retain the possession of any bicycle operated in violation of any of the provisions of this chapter until the violation is corrected to the satisfaction of such entity. Any bicycle so impounded and not redeemed by correction of the violation for a period of more than three (3) months shall be deemed to be unclaimed property subject to the provisions of Chapter 7 of Title 3 of this Code.

(Ord. 90-04 (part), 1990)

**4-1.10 Notification of change of address.**

Whenever the owner of a bicycle licensed pursuant to the provisions of this chapter changes his or her address, the Police Department shall be notified within ten (10) days thereafter of the old address and the new address.

**4-1.11 Disposition of revenues from license fees.**

Revenues from bicycle license fees shall be retained by the City and shall be used for the enforcement of the provisions of this chapter or may be used to reimburse retailers for services rendered. In addition, bicycle license fees collected shall be used to improve bicycle safety programs and establish bicycle facilities, including bicycle paths and lanes within the City limits.

**Chapter 2 EMERGENCY PREPAREDNESS**

**Sections:**

[4-2.01 Purposes.](#)

[4-2.02 Emergency defined.](#)

[4-2.03 Disaster Council—Membership.](#)

[4-2.04 Disaster Council—Powers and duties—Meetings.](#)

[4-2.05 Director and Assistant Director of Emergency Services—Powers and duties.](#)

[4-2.06 Emergency Organization.](#)

[4-2.07 Emergency Plan.](#)

[4-2.08 Expenditures.](#)

[4-2.09 Violations—Penalties.](#)

**4-2.01 Purposes.**

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within the City in the event of an emergency; the direction of the Emergency Organization; and the coordination of the emergency functions of the City with all other public agencies, corporations, organizations, and affected private persons.

**4-2.02 Emergency defined.**

For the purposes of this chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or the imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City, requiring the combined forces of other political subdivisions to combat.

**4-2.03 Disaster Council—Membership.**

The Avenal Disaster Council is hereby created and shall consist of the following:

- (a) The Mayor, who shall be chairman;
- (b) The Director of Emergency Services, who shall be vice-chairman;
- (c) The Assistant Director of Emergency Services;
- (d) Such chiefs of emergency services as are provided for in the current Emergency Plan of the City, adopted pursuant to the provisions of this chapter;
- (e) Such representatives of civic, business, labor, veteran, professional, or other organizations having an official emergency responsibility as may be appointed by the Director of Emergency Services with the advice and consent of the City Council; and
- (f) A representative from the Police Department.

**4-2.04 Disaster Council—Powers and duties—Meetings.**

It shall be the duty of the Avenal Disaster Council, and it is hereby empowered to develop and recommend for adoption by the City Council emergency and mutual aid plans and agreements and such ordinances, resolutions, rules, and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon the call of the chairman or, in his absence from the City or inability to call such meeting, upon the call of the vice-chairman.

**4-2.05 Director and Assistant Director of Emergency Services—Powers and duties.**

- (a) Director of Emergency Services—Office created. There is hereby created the office of Director of Emergency Services. The City Manager shall serve as the Director of Emergency Services.
- (b) Assistant Director of Emergency Services—Office created. There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director of Emergency Services.
- (c) Director of Emergency Services—Powers and duties. The Director of Emergency Services is hereby empowered to:
  - (1) Request the City Council to proclaim the existence or threatened existence of a "local emergency," if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter, or the proclamation shall have no further force or effect;
  - (2) Request the Governor of the State to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;
  - (3) Control and direct the effort of the Emergency Organization of the City for the accomplishment of the purposes of this chapter;
  - (4) Direct cooperation between, and the coordination of, the services and staff of the Emergency Organization of the City and resolve questions of authority and responsibility which may arise between them;
  - (5) Represent the City in all dealings with the public or private agencies on matters pertaining to emergencies; and
  - (6) In the event of the proclamation of a "local emergency," as set forth in this section, the proclamation of a "state of emergency" by the Governor or the Director of the Office of Emergency Services of the State, or the existence of a "state of war emergency," the Director is hereby empowered:
    - (i) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations shall be confirmed at the earliest practicable time by the City Council;
    - (ii) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property, to bind the City for the fair value thereof, and, if required immediately, to commandeer the same for public use;
    - (iii) To require the emergency services of any City officer or employee and, in the event of the proclamation of a "state of war emergency", to command the aid of as many citizens of the community as he deems necessary in the execution of his duties. Such persons shall be entitled to the privileges, benefits, and immunities as are provided by State laws for registered disaster service workers;
    - (iv) To requisition necessary personnel or materials of any City department or agency; and

- (v) To execute all of his ordinary powers as City Manager, all of the special powers conferred upon him by the provisions of this chapter or by resolution or Emergency Plan adopted by the City Council pursuant to the provisions of this chapter, and all powers conferred upon him by any statute, by any agreement approved by the City Council, or by any other lawful authority.
- (d) Order of succession. The Director of Emergency Services shall designate the order of succession to that office which succession shall take effect in the event the Director is unavailable to attend meetings or otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.
- (e) Assistant Director of Emergency Services—Powers and duties. The Assistant Director of Emergency Services shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans, manage the emergency programs of the City, and have such other powers and duties as may be assigned by the Director.

#### **4-2.06 Emergency Organization.**

All officers and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons pressed into service pursuant to the provisions of subsection (iii) of subsection (6) of subsection (c) of Section 4-2.05 of this chapter, be charged with duties incidental to the protection of life and property in the City during such emergency, shall constitute the Emergency Organization of the City.

#### **4-2.07 Emergency Plan.**

The Avenal Disaster Council shall be responsible for the development of the City of Avenal Emergency Plan, which shall provide for the effective mobilization of all the resources of the City, both public and private, to meet any condition constituting a local emergency, a state of emergency, or a state of war emergency, and which plan shall provide for the organization, powers and duties, services, and staff of the Emergency Organization. Such plan shall take effect upon adoption by resolution of the City Council.

#### **4-2.08 Expenditures.**

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City.

#### **4-2.09 Violations—Penalties.**

It shall be an infraction, punishable as set forth in Chapter 2 of Title 1 of this Code, for any person during an emergency to:

- (a) Wilfully obstruct, hinder, or delay any member of the Emergency Organization in the enforcement of any lawful rule or regulation issued pursuant to the provisions of this chapter or in the performance of any duty imposed upon him by virtue of the provisions of this chapter;
- (b) Do any act forbidden by any lawful rule or regulation issued pursuant to the provisions of this chapter if such act is of such nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of the City, or to prevent, hinder, or delay the defense or protection thereof; or

- (c) Wear, carry, or display, without authority, any means of identification specified by the Emergency Agency of the State.

## **Chapter 3 FIRE CODE**

### **Sections:**

[4-3.01 Adoption of Uniform Fire Code.](#)

### **4-3.01 Adoption of Uniform Fire Code.**

Those certain Codes designated as the "Uniform Fire Code, 1991 Edition," "Uniform Fire Code Standards, 1991 Edition," published by the International Conference of Building Officials and the Western Fire Chiefs Association, one copy of which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions and deletions set forth in this chapter, and said Code shall be known as the Fire Code of the City; provided that the copy, after certification there of, may be kept in the office of the Building Inspector.

(Ord. 87-04 § 1, 1987; Ord. 89-13 § 1, 1989; Ord. 93-01 § 1, 1993)

## **Chapter 4 TRAFFIC**

### **Sections:**

Article 1. - Title and Definitions

Article 2. - Traffic Administration

Article 3. - Enforcement

Article 4. - Traffic-Control Devices

Article 5. - Speed Limits

Article 6. - Turning Movements, Special Stops and One-Way Streets

Article 7. - Stopping, Standing and Parking

Article 8. - Trucks and Commercial Vehicles

Article 9. - Miscellaneous Driving Rules

Article 10. - Abandoned Vehicles

Article 11. - Pedestrians

Article 12. - Heavy Vehicles and Machinery

Article 13. - Violation—Penalty

## Title 4 PUBLIC SAFETY

Article 14. - Reserved

Article 15. - Public Preferential Parking on Public Streets

Article 16. - Towed Vehicle Recovery Program

### **Article 1. Title and Definitions**

[4-4.101 Title for citation.](#)

[4-4.102 Definitions generally.](#)

[4-4.103 Motor Vehicle Code definitions to be used.](#)

[4-4.104 Bus.](#)

[4-4.105 City Manager.](#)

[4-4.106 Council.](#)

[4-4.107 Curb.](#)

[4-4.108 Divisional island.](#)

[4-4.109 Holidays.](#)

[4-4.110 Loading zone.](#)

[4-4.111 Official time standard.](#)

[4-4.112 Parkway.](#)

[4-4.113 Passenger loading zone.](#)

[4-4.114 Pedestrian.](#)

[4-4.115 Police officer.](#)

[4-4.116 Stop.](#)

[4-4.117 Vehicle Code.](#)

#### **4-4.101 Title for citation.**

The provisions set forth in this title shall be known and may be cited as the "Avenal Traffic Ordinance."

#### **4-4.102 Definitions generally.**

The following words and phrases when used in this title shall for the purpose of this title have the meanings respectively ascribed to them in this chapter.

#### **4-4.103 Motor Vehicle Code definitions to be used.**

Whenever any words or phrases used in this title are not defined, but are defined in the Vehicle Code of the State of California and amendments thereto, such definitions shall apply.



**4-4.104 Bus.**

"Bus" means any motor bus, motor coach, trackless trolley or passenger stage used as a common carrier of passengers.

**4-4.105 City Manager.**

"City Manager" means and includes any such person or public entity as the City Council may, by resolution designate; or as the City Manager, by written authorization, may designate to perform or administer provisions of this title.

**4-4.106 Council.**

"Council" means the Council of the City of Avenal.

**4-4.107 Curb.**

"Curb" means the lateral boundary of the roadway, whether such curb is marked by curbing construction or not so marked; the word "curb" as used in this title shall not include the line dividing the roadway of a street from parking strips in the center of a street, or from tracks or rights-of-way of public utility companies.

**4-4.108 Divisional island.**

"Divisional island" means a raised island located in the roadway and separating opposing or conflicting streams of traffic.

**4-4.109 Holidays.**

Within the meaning of this title, "holidays" are the first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the ninth day of September, the twelfth day of October, the eleventh day of November, Thanksgiving Day, and the twenty-fifth day of December. If the first day of January, twelfth day of February, twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October, the eleventh day of November, or the twenty-fifth day of December falls upon a Sunday, the Monday following is a holiday.

**4-4.110 Loading zone.**

"Loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

**4-4.111 Official time standard.**

Whenever certain hours are named in this title, they shall mean standard time or daylight savings time, as may be in current use in this City.

**4-4.112 Parkway.**

"Parkway" means that portion of a street other than a roadway or a sidewalk.

**4-4.113 Passenger loading zone.**

"Passenger loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

**4-4.114 Pedestrian.**

"Pedestrian" means any person afoot.

**4-4.115 Police officer.**

"Police officer" means every officer of the Police Department of this City, or any officer authorized to direct or regulate or to make arrests for violations of traffic regulations.

**4-4.116 Stop.**

"Stop," when required, means complete cessation of movement.

**4-4.117 Vehicle Code.**

"Vehicle Code" means the Vehicle Code of the State of California.

**Article 2. Traffic Administration**

[4-4.201 Traffic section—Established in Police Department.](#)

[4-4.202 Traffic section—Powers and duties.](#)

[4-4.203 City Manager—Powers and duties—Deputies authorized when.](#)

[4-4.204 City Manager—Traffic engineering duties.](#)

[4-4.205 Traffic section—Accident report filing duties.](#)

[4-4.206 Traffic section—Annual traffic safety report required.](#)

[4-4.207 Traffic accident studies.](#)

[4-4.208 Property damage—Report requirements.](#)

[4-4.209 Intersection visibility requirements.](#)

**4-4.201 Traffic section—Established in Police Department.**

There is established in the Police Department a traffic section to be under the control of an officer of police appointed by and administratively responsible to the Chief of Police.

**4-4.202 Traffic section—Powers and duties.**

It shall be the duty of the traffic section, with such aid as may be rendered by other members of the Police Department, to enforce the street traffic in this City, to make arrests for traffic violations, to investigate traffic accidents, to cooperate with the City Manager and other officers of the City in the administration of the traffic law and in developing ways and means to improve traffic conditions, and to

carry out those duties specially imposed upon said section by this title and related traffic ordinances of this City.

**4-4.203 City Manager—Powers and duties—Deputies authorized when.**

It shall be the general duty of the City Manager to determine the installation and proper timing and maintenance of traffic-control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions and to cooperate with other City officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this City. Whenever by the provisions of this title a power is granted to the City Manager or a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him.

**4-4.204 City Manager—Traffic engineering duties.**

The City Manager shall exercise the powers and duties as provided in this title and in related traffic ordinances of this City. Whenever the City Manager is required or authorized to place or maintain official traffic-control devices or signals, he may cause such devices or signals to be placed or maintained.

**4-4.205 Traffic section—Accident report filing duties.**

The traffic section shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the City Manager.

**4-4.206 Traffic section—Annual traffic safety report required.**

The traffic section shall annually prepare a traffic report which shall be filed with the City Council. Such a report shall contain information on traffic matters in this City as follows:

- (a) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
- (b) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
- (c) The plans and recommendations of the section for future traffic safety activities.

**4-4.207 Traffic accident studies.**

Whenever the accidents at any particular location become numerous, the traffic section shall cooperate with the City Manager in conducting studies of such accidents and determining remedial measures.

**4-4.208 Property damage—Report requirements.**

- (a) The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic-control device or other property of a like nature located in or along any street shall, within twenty-four hours after such accident, make a written report of such accident to the Police Department of this City.

- (b) Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damage in such accident.
- (c) The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this section if and during the time he is physically incapable of making a report, but in such event he shall make a report as required in subdivision (a) of this section within twenty-four hours after regaining ability to make such report.

#### **4-4.209 Intersection visibility requirements.**

Whenever the City Manager finds that any hedge, shrubbery, or tree growing in a parkway obstructs the view of any intersection, or any traffic upon the streets approaching such intersection, he shall cause the hedge, shrubbery or tree to be immediately removed or reduced in height.

### **Article 3. Enforcement**

[4-4.301 Authority of Police and Fire Department officials.](#)

[4-4.302 Obedience to police or authorized officers.](#)

[4-4.303 Persons other than officials shall not direct traffic.](#)

[4-4.304 Obstruction of or interference with police or authorized officers.](#)

[4-4.305 Regulations applicable to persons riding bicycles or animals.](#)

[4-4.306 Public employees—Obedience to regulations required.](#)

[4-4.307 Certain official vehicles exempt from regulations—Conditions.](#)

[4-4.308 Removal of vehicles from streets authorized when.](#)

#### **4-4.301 Authority of Police and Fire Department officials.**

Officers of the Police Department and such officers as are assigned by the Chief of Police are authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department or members of the Fire Department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this title or the Vehicle Code.

#### **4-4.302 Obedience to police or authorized officers.**

No person shall fail or refuse to comply with or to perform any act forbidden by any lawful order, signal or direction of a traffic or police officer, or a member of the Fire Department, or a person authorized by the Chief of Police or by law. Violation of this section is an infraction, as provided in Title 1, Chapter 2 of this Code.

#### **4-4.303 Persons other than officials shall not direct traffic.**

No person other than an officer of the Police Department or members of the Fire Department or a person authorized by the Chief of Police or a person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as herein provided, any

mechanical pushbutton signal erected by order of the City Manager. Violation of this section is an infraction as provided in Title 1, Chapter 2, of this Code.

**4-4.304 Obstruction of or interference with police or authorized officers.**

No person shall interfere with or obstruct in any way any police officer or other officer or employee of this City in their enforcement of the provisions of this title. The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of this City in connection with the enforcement of the parking regulations of this title constitutes such interference or obstruction. Violation of this section is an infraction as provided in Title 1, Chapter 2, of this Code.

**4-4.305 Regulations applicable to persons riding bicycles or animals.**

Every person riding a bicycle or riding or driving an animal upon a highway has all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except those provisions which by their very nature can have no application.

**4-4.306 Public employees—Obedience to regulations required.**

The provisions of this title shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or City, and it is unlawful for any said operator to violate any of the provisions of this title except as otherwise permitted in this title or by the Vehicle Code.

**4-4.307 Certain official vehicles exempt from regulations—Conditions.**

- (a) The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to vehicles operated by the Police or Fire Department, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified by the Vehicle Code in response to an emergency call.
- (b) The provisions of this title shall not, however, relieve the operator of any such vehicle from obligation to exercise due care for the safety of others or the consequences of his wilful disregard of the safety of others.
- (c) The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a City department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail.

**4-4.308 Removal of vehicles from streets authorized when.**

Any regularly employed and salaried officer of the Police Department of this City may remove or cause to be removed:

- (a) Any vehicle that has been parked or left standing upon a street or highway for seventy-two (72) or more hours;
- (b) Any vehicle parked or left standing on a highway or alley when such parking or standing is prohibited by signs posted giving notice of removal;
- (c) Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair, or construction of the street or highway or for the installation of underground utilities, or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic,

or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four (24) hours prior to the removal.

(Ord. 2004-02, 2004)

**Article 4. Traffic-Control Devices**

[4-4.401 Installation—City Manager authority.](#)

[4-4.402 Signs required for enforcement purposes.](#)

[4-4.403 Driver obedience required—Exceptions.](#)

[4-4.404 Installation—Locations—Placement and maintenance.](#)

[4-4.405 Lane marking.](#)

[4-4.406 Distinctive roadway markings.](#)

[4-4.407 Hours of operation.](#)

[4-4.408 Removal, relocation or discontinuance authorized when.](#)

[4-4.409 Painting of curbs—Restrictions.](#)

**4-4.401 Installation—City Manager authority.**

- (a) The City Manager shall have the power and duty to place and maintain or cause to be placed and maintained official traffic-control devices when and as required to make effective the provisions of this title.
- (b) Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic-control devices be installed to give notice to the public of the application of such law, the City Manager is authorized to install or cause to be installed the necessary devices, subject to any limitations or restrictions set forth in the law applicable thereto.
- (c) The City Manager may also place and maintain or cause to be placed and maintained such additional traffic-control devices as he may deem necessary or proper to regulate traffic or to guide or warn traffic, but he shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in this title or as may be determined by ordinance or resolution of the Council.

**4-4.402 Signs required for enforcement purposes.**

No provision of the Vehicle Code or of this title for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic laws.

**4-4.403 Driver obedience required—Exceptions.**

The operator of any vehicle or train shall obey the instructions of any official traffic-control device placed in accordance with this title unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls.

**4-4.404 Installation—Locations—Placement and maintenance.**

- (a) The City Manager is hereby directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.
- (b) The City Manager shall ascertain and determine the locations where such signals are required by field investigation, traffic counts and other traffic information as may be pertinent, and his determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California Manual issued by the Division of Highways of the State Department of Transportation.
- (c) Whenever the City Manager installs and maintains an official traffic signal at any intersection, he shall likewise erect and maintain at such intersection street name signs clearly visible to traffic approaching from all directions unless such street name signs have previously been placed and are maintained at any said intersection.

**4-4.405 Lane marking.**

The City Manager is authorized to mark centerlines and lane lines upon the surface of the roadway to indicate the courses to be traveled by vehicles, and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway.

**4-4.406 Distinctive roadway markings.**

The City Manager is authorized to place and maintain distinctive roadway markings, as described in the Vehicle Code, on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and markings shall have the same effect as similar markings placed by the State Department of Public Works pursuant to provisions of the Vehicle Code.

**4-4.407 Hours of operation.**

The City Manager shall determine the hours and days during which any traffic-control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this ordinance or by ordinance/resolution of the City Council.

**4-4.408 Removal, relocation or discontinuance authorized when.**

The City Manager is authorized to remove, relocate or discontinue the operation of any traffic-control device not specifically required by the Vehicle Code or this title whenever he shall determine, in any particular case, that the conditions which warranted or required the installation no longer exist or remain.

**4-4.409 Painting of curbs—Restrictions.**

No person, unless authorized by this City, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of this City pertaining thereto.

**Article 5. Speed Limits**

[4-4.501 State speed limit increased in certain zones.](#)

[4-4.502 State speed limits decreased in certain zones.](#)

[4-4.503 Timing of traffic signals to regulate speed.](#)

**4-4.501 State speed limit increased in certain zones.**

It is determined upon the basis of an engineering and traffic investigation that the speed permitted by state laws upon the following streets is less than is necessary for safe operation of vehicles thereon by reason of the designation and sign posting of said streets as through highways and/or by reason of widely spaced intersections, and it is declared that the prima facie speed limit shall be as hereinafter set forth in this chapter on those streets or parts of streets designated in this article when signs are erected giving notice thereof.

**4-4.502 State speed limits decreased in certain zones.**

It is determined upon the basis of an engineering and traffic investigation that the speed permitted by the state law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is declared that the prima facie speed limit shall be as set forth in this section on those streets or parts of streets designated as follows when signs are erected giving notice thereof.

**4-4.503 Timing of traffic signals to regulate speed.**

The City Manager is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

**Article 6. Turning Movements, Special Stops and One-Way Streets**

[4-4.601 Turning markers—Placement authorized when.](#)

[4-4.602 Restricted turn signs.](#)

[4-4.603 Signal-controlled intersections—Right turns at stop signals authorized when.](#)

[4-4.604 One-way streets and alleys.](#)

[4-4.605 Stop signs—Locations—Placement authorized when.](#)

[4-4.606 Stops—At through streets or stop signs.](#)

[4-4.607 Stops—Emerging from alley, driveway or building.](#)

**4-4.601 Turning markers—Placement authorized when.**

The City Manager is authorized to place official traffic-control devices with or adjacent to intersections and indicating the course to be traveled by vehicles turning at such intersections, and the City Manager is authorized to locate and indicate more than one lane of traffic from which drivers of vehicles may make right to left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.



**4-4.602 Restricted turn signs.**

The City Manager is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

**4-4.603 Signal-controlled intersections—Right turns at stop signals authorized when.**

- (a) No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is sign-posted giving notice of such restriction as hereinafter provided in this section.
- (b) The City Manager shall post appropriate signs giving effect to this section where he determines that the making of right turns against traffic-signal stop indication would seriously interfere with the safe and orderly flow of traffic.

**4-4.604 One-way streets and alleys.**

Whenever any ordinance or resolution of this City designates any one-way street or alley, the City Manager shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed where movement of traffic in the opposite direction is prohibited.

**4-4.605 Stop signs—Locations—Placement authorized when.**

Whenever any ordinance or resolution of this City designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the City Manager shall erect and maintain stop signs as follows:

A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances to other intersections where a stop is required and at any railroad grade crossing so designated; provided, however, stop signs shall not be erected or maintained at any entrance to an intersection when such entrance is controlled by an official traffic-control signal. Every such sign shall conform with, and shall be placed as provided, in the Vehicle Code.

**4-4.606 Stops—At through streets or stop signs.**

- (a) Those streets and parts of streets established by resolution of the Council are declared to be through streets for the purposes of this section.
- (b) The provisions of this section shall also apply at one or more entrances to the intersections as such entrances are established by resolution of the City Council.
- (c) The provisions of this section shall apply at those highway railway grade crossings as established by resolution of the City Council.

**4-4.607 Stops—Emerging from alley, driveway or building.**

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or driveway.

**Article 7. Stopping, Standing and Parking**

[4-4.701 Time when provisions are applicable.](#)

[4-4.702 No-stopping zones—Designation—Driver obedience required.](#)

[4-4.703 No-stopping zones and no-parking areas—Maintenance —Driver obedience required.](#)

[4-4.704 Twenty-four minute parking—Green curb marking—Driver obedience required.](#)

[4-4.705 Forty-minute parking.](#)

[4-4.706 One-hour parking.](#)

[4-4.707 Two-hour parking.](#)

[4-4.708 Emergency parking.](#)

[4-4.709 Parking adjacent to schools.](#)

[4-4.710 Diagonal parking.](#)

[4-4.711 Parking parallel on one-way streets.](#)

[4.711.1 Parking parallel on residential streets.](#)

[4-4.712 Parking space markings.](#)

[4-4.713 Color of curb marking indicates stopping and parking restrictions.](#)

[4-4.714 No-parking areas—Designated.](#)

[4-4.715 Parking prohibited on narrow streets.](#)

[4-4.716 Parking of peddling or vending vehicles—Limitations.](#)

[4-4.717 Parking vehicle for demonstration or sale.](#)

[4-4.718 Repairing or greasing vehicles on public streets prohibited—Exception.](#)

[4-4.719 Washing or polishing vehicles—Restrictions.](#)

[4-4.720 Vehicles longer than twenty feet—Parking restrictions.](#)

[4-4.721 Alley restrictions.](#)

[4-4.722 Commercial vehicles—Parking restrictions.](#)

[4-4.723 Truck parking restrictions.](#)

[4-4.724 Loading zones—Yellow curb marking—Use limitations.](#)

[4-4.725 Loading and unloading—Procedures and time restrictions.](#)

[4-4.726 Loading and unloading—Zone use restrictions.](#)

[4-4.727 Bus zones—Red curb marking—Use limitations.](#)

[4-4.728 Closing of highways to vehicular traffic authorized when.](#)

**4-4.701 Time when provisions are applicable.**

- (a) The provisions of this title prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

- (b) The provisions of this title imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this City prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

**4-4.702 No-stopping zones—Designation—Driver obedience required.**

- (a) The City Manager shall designate established no-stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and days when stopping is prohibited.
- (b) During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to stop said vehicle on any of the streets or parts of streets established by resolution of the Council as no-stopping zones.

**4-4.703 No-stopping zones and no-parking areas—Maintenance —Driver obedience required.**

- (a) The City Manager is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no-stopping zones, no-parking areas and restricted parking areas, as defined and described in this title.
- (b) When said curb markings or signs are in place no operator of any vehicle shall stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this title.

**4-4.704 Twenty-four minute parking—Green curb marking—Driver obedience required.**

- (a) Green curb marking shall mean no standing or parking for a period of time longer than twenty-four (24) minutes at any time between 9:00 a.m. and 6:00 p.m. on any day, except Sundays and holidays.
- (b) When authorized signs and curb markings have been determined by the City Manager to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle adjacent to any such legible curb markings or sign in violation thereof.

**4-4.705 Forty-minute parking.**

When authorized signs or curb markings have been determined by the City Manager to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays, for a period of time longer than forty (40) minutes.

**4-4.706 One-hour parking.**

When authorized signs or curb markings have been determined by the City Manager to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays, for a period of time longer than one hour.

**4-4.707 Two-hour parking.**

When authorized signs or curb markings have been determined by the City Manager to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than two (2) hours.

**4-4.708 Emergency parking.**

- (a) Whenever the City Manager shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, the City Manager shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the City Manager shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency, and the City Manager shall cause such signs to be removed promptly thereafter.
- (b) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

**4-4.709 Parking adjacent to schools.**

- (a) The City Manager is authorized to erect signs restricting public/student parking upon any street adjacent to, and/or the zoned area of, any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation to the general public and/or attending students.
- (b) When official signs are erected prohibiting parking upon a street adjacent to, and/or within the zoned area of, any school property, no person shall park a vehicle in any such designated place.
- (c) Preferential parking permits may be issued in accordance with Article 14 of Title 4, Chapter 4, which will act to exempt the holder from the limitations contained within this Section.

(Ord. 97-01, 1997)

**4-4.710 Diagonal parking.**

- (a) On any of the streets or portions of streets established by resolution of the Council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it is unlawful for the operator of any vehicle to park said vehicle except:
  - (1) At the angle to the curb indicated by signs or pavement markings allotting space to park vehicles and entirely within the limits of said allotted space;
  - (2) With the front wheel nearest the curb within six (6") inches of said curb.
- (b) The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in Section 4-4.711 shall be complied with.

**4-4.711 Parking parallel on one-way streets.**

- (a) Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen (18") inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

- (b) In the event a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.
- (c) The City Manager is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street, or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two or more separate roadways, and shall erect signs giving notice thereof.
- (d) The requirement of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb, provided that such vehicle does not extend beyond the centerline of the street and does not block traffic thereby.

#### **4.711.1 Parking parallel on residential streets.**

Except as designated by sign, marking or resolution of the City Council all cars on residential or collector streets in the City shall park parallel to the curb or to the property line.

(Ord. 86-09 § 1, 1986)

#### **4-4.712 Parking space markings.**

- (a) The City Manager is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted.
- (b) When such parking space markings are placed on the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

#### **4-4.713 Color of curb marking indicates stopping and parking restrictions.**

- (a) The City Manager is authorized, subject to the provisions and limitations of this title, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, and said curb markings shall have the meanings as set forth in this section.
  - (1) Red shall mean no stopping, standing, or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.
  - (2) Yellow shall mean no stopping, standing or parking at any time between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for any purpose other than the loading and unloading of passengers or materials, provided, that the loading and unloading of passengers shall not consume more than three (3) minutes nor the loading or unloading of materials more than twenty (20) minutes.
  - (3) White shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three (3) minutes, and such restrictions shall apply between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays and except as follows:
    - (i) When such zone is in front of a hotel or in front of a mailbox, the restrictions shall apply at all times;
    - (ii) When such zone is in front of a theater, the restrictions shall apply at all times except when such theater is closed.
  - (4) Blue curb markings shall mean no standing or parking for other than vehicles which display a distinguishing license plate or a placard issued to disabled persons or veterans. Such parking

## Title 4 PUBLIC SAFETY

shall be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space.

- (b) When the City Manager, as authorized under this chapter has caused curb markings and/or signs to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb markings and/or signs in violation of any of the provisions of this section.

### **4-4.714 No-parking areas—Designated.**

No operator of any vehicle shall stop, stand, park, or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

- (a) Within any divisional island unless authorized and clearly indicated with appropriate signs or markings;
- (b) On either side of any street between the project property lines of any public walk, public steps, street, or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;
- (c) In any area where the City Manager determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface;
- (d) In any area established by resolution of the Council as a no-parking area, when area is indicated by appropriate signs or by red paint upon the curb surface;
- (e) Upon, along or across any railway track in such a manner as to hinder, delay or obstruct the movement of any car traveling upon such track;
- (f) In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;
- (g) On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities, or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice of such no-parking are erected or placed at least twenty-four (24) hours prior to the effective time of such no-parking;
- (h) At any place within twenty (20') feet of crosswalk at an intersection when such place is indicated by appropriate signs or by red paint upon the curb surface, except that a bus may stop at a designated bus stop;
- (j) Within twenty-five (25') feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device;
- (k) On any public right-of-way between the rear of the public sidewalk (the edge furthest from the curb) and the property line which is parallel to the public sidewalk. Illegal parking in this zone will result in an infraction and imposition of a twenty dollar (\$20.00) parking fine. The fine will be imposed for each subsequent twenty-four (24) hour period during which the cited vehicle remains in the prohibited area. Parking of vehicles on any public right-of-way may be permitted by application to, and approval by, the City for an encroachment permit. Approval of such permit shall remain in sole discretion of the City. Parking a vehicle in a position that is perpendicular to the sidewalk and immediately behind a drive approach approved by the City is permitted, provided no other violation exists.

(Ord. 91-12, 1991; Ord. 91-10, 1991)

**4-4.715 Parking prohibited on narrow streets.**

- (a) The City Manager is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty-five (25') feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty (30') feet.
- (b) When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking.

**4-4.716 Parking of peddling or vending vehicles—Limitations.**

- (a) Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within the City, except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten (10) minutes at any one place. The provisions of this subsection shall not apply to persons delivering such articles upon order of, or by agreement with a customer from a store or other fixed place of business or distribution.
- (b) No person shall park or stand on any street any lunch wagon, eating cart or vehicle, or pushcart from which tamales, peanuts, popcorn, candy, ice cream or other articles of food are sold or offered for sale, without first obtaining a written permit to do so from the City Manager which shall designate the specific location in which such cart shall stand.
- (c) No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the City Manager which shall designate the specific location where such vehicle may stand.
- (d) Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon, or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating any of the provisions of this section, such permit shall be forthwith revoked by the City Manager upon the filing of the record of such conviction with such officer, and no permit shall thereafter be issued to such person until six (6) months have elapsed from the date of such revocation.

**4-4.717 Parking vehicle for demonstration or sale.**

No commercial dealer shall park said vehicle upon any street in this City for the purpose of advertising or displaying it for sale unless authorized by resolution of the City Council.

**4-4.718 Repairing or greasing vehicles on public streets prohibited—Exception.**

No person shall construct or cause to be constructed, repair, or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled any vehicle or any part thereof upon any public street in this City. Temporary emergency repairs may be made upon a public street.

**4-4.719 Washing or polishing vehicles—Restrictions.**

No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in this City, when a charge is made for such service.

**4-4.720 Vehicles longer than twenty feet—Parking restrictions.**

When authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle in excess of twenty (20') feet in length on any street or portion thereof designated by ordinance or resolution of the City Council.

**4-4.721 Alley restrictions.**

No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley.

**4-4.722 Commercial vehicles—Parking restrictions.**

- (a) Definitions. As used in this section, the following words and phrases have the meanings respectively ascribed to them by this section:

Generally, whenever any words or phrases are used in this section, they are to be used as defined in the California Vehicle Code.

"Commercial vehicle" means a vehicle, including, without limitation, a truck, bus or trailer, 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, and having a manufacturer's gross vehicle weight rating greater than ten thousand (10,000) pounds.

"Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle, as defined in California Vehicle Code Section 390.

"Street" means that portion of any street, avenue, highway or other public way in the City improved, designed, or ordinarily used for vehicular travel, and includes improved shoulders.

"Unattended vehicle" means a vehicle where the licensed driver responsible for the vehicle is not within an audible distance and immediately available for moving the vehicle.

"Unattended vehicle" means a vehicle where the licensed driver responsible for the vehicle is not within an audible distance and immediately available for moving the vehicle.

- (b) Restrictions. The following restrictions shall apply to parking, standing and/or stopping of commercial vehicles on the streets of the City of Avenal:

- (1) No commercial vehicle shall be parked or otherwise left unattended on the streets of the City between the hours of 2:00 a.m. and 6:00 a.m., except:

(i) While loading or unloading property when it is necessary to do so between the hours of 2:00 a.m. and 6:00 a.m. In such situations, a commercial vehicle may be parked on the streets of the City for a period which shall not exceed sixty (60) minutes, unless additional time in excess of sixty (60) minutes is reasonably necessary to complete such loading or unloading of property.

(ii) While a commercial vehicle is parked in connection with, and in aid of, the performance of a service, to or on property in the block in which such vehicle is parked, and it is necessary to perform such service between the hours of 2:00 a.m. and 6:00 a.m. In such situations, a commercial vehicle may be parked on the streets of the City for a period which shall not exceed sixty (60) minutes, unless additional time in excess of sixty (60) minutes is reasonably necessary to complete such service.

- (2) No commercial vehicle shall be parked or otherwise left unattended on any street, or portion thereof, in a residential district, as defined in the City of Avenal's Zoning Ordinance, except:



## Title 4 PUBLIC SAFETY

- (i) A commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street.
  - (ii) A commercial vehicle delivering materials to be used in the actual bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street for which a building permit has previously been obtained.
- (3) No commercial vehicle shall park between the hours of 10:00 p.m. and 7:00 a.m. on any private residential property as defined in the City Zoning Ordinance, except:
- (i) A commercial vehicle making pickups or delivery of goods, wares, and merchandise from or any building or structure located on the restricted street.
  - (ii) A commercial vehicle delivering materials to be used in the actual bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street for which a building permit has previously been obtained.
- (c) Permits. The City Manager may issue permits relating to parking between the hours of 2:00 a.m. and 6:00 a.m., exempting uses as may be deemed necessary in the public interest.
- (Ord. 2000-10, 2000: Ord. 95-04, 1995: Ord. 86-09 §§ 1, 2, 3, 1987)

### **4-4.723 Truck parking restrictions.**

When authorized signs are in place giving notice of such restriction, no person shall park any vehicle exceeding a maximum gross weight of three (3) tons on any public City street or alley for a period of time longer than four (4) hours, except when loading or unloading property or when such vehicle is parked in connection with and in aid of the performance of a service to or on a property in the block in which the vehicle is parked.

### **4-4.724 Loading zones—Yellow curb marking—Use limitations.**

- (a) Upon the passage of a resolution by the City Council the City Manager is authorized to determine and to mark loading zones and passenger loading zones as follows:
  - (1) At any place in the business district;
  - (2) Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.
- (b) In no event shall more than one-half ( $\frac{1}{2}$ ) of the total curb length in any block be reserved for loading zone purposes.
- (c) Loading zones shall be indicated by yellow paint upon the top of all curbs in said zones.

### **4-4.725 Loading and unloading—Procedures and time restrictions.**

- (a) Permission herein granted to stop or stand a vehicle for purposes of loading or unloading of materials shall apply only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than twenty (20) minutes.
- (b) The loading or unloading of materials shall apply only to commercial deliveries, also the delivery or pick-up of express and parcel post packages and United States mail.
- (c) Permission herein granted to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage, but shall not extend beyond the time necessary therefor and in no event for more than three (3) minutes.

- (d) Within the total time limits above specified, the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges hereby granted.

**4-4.726 Loading and unloading—Zone use restrictions.**

No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading of passengers for such time as is specified in Section 4-4.725.

**4-4.727 Bus zones—Red curb marking—Use limitations.**

- (a) The City Manager is authorized to establish bus zones opposite curb space for the loading and unloading of buses or common carriers of passengers and to determine the location thereof.
- (b) Bus zones shall normally be established on the far side of an intersection.
- (c) No bus zone shall exceed eighty (80') feet in length, except that when satisfactory evidence has been presented to the City Traffic Engineer showing the necessity therefor, the City Traffic Engineer may extend bus zones not to exceed a total length of one hundred twenty-five (125') feet.
- (d) The City Manager shall paint a red line stencil, with white letters "NO STANDING", together with the words "BUS ZONE" upon the top of all curbs and places specified as a bus zone.
- (e) No person shall stop, stand or park any vehicle except a bus in a bus zone.

**4-4.728 Closing of highways to vehicular traffic authorized when.**

The City Manager may determine that certain streets should be temporarily or permanently closed to vehicular traffic after review of traffic studies or reports which reflect such necessity for closing the street.

**Article 8. Trucks and Commercial Vehicles**

[4-4.801 Advertising vehicles.](#)

[4-4.802 Truck routes—Establishment.](#)

[4-4.803 Trucks permitted to use other streets when.](#)

[4-4.804 Truck routes—Exceptions to applicability of provisions.](#)

[4-4.805 Truck routes—Council authority.](#)

[4-4.806 Commercial vehicles—Use of certain streets prohibited.](#)

**4-4.801 Advertising vehicles.**

No person shall operate or drive any vehicle used for advertising purposes or any advertising vehicle equipped with a sound amplifying or loud speaking device upon any street or alley at any time within the central business district, except when such use has been approved by the City Manager.

**4-4.802 Truck routes—Establishment.**

Whenever any resolution of this City designates and describes any street or portion thereof as a street the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three (3)

tons, the City Manager is hereby authorized to designate such street or streets by appropriate signs as "Truck Routes" for the movement of vehicles exceeding a maximum gross weight limit of three (3) tons.

#### **4-4.803 Trucks permitted to use other streets when.**

When any such truck route or routes are established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of three (3) tons shall drive on such route or routes and none other except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three (3) tons coming from a truck route having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any buildings or structures located on such restricted streets or for the purpose of delivering materials to be used in the actual bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefor.

#### **4-4.804 Truck routes—Exceptions to applicability of provisions.**

The provisions of Sections 4-4.802 through 4-4.805 shall not apply to:

- (a) Passenger buses under the jurisdiction of the Public Utilities Commission; or
- (b) Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

#### **4-4.805 Truck routes—Council authority.**

Those streets and parts of streets established by resolution of the Council are hereby declared to be truck routes for the movement of vehicles exceeding a maximum gross weight of three (3) tons.

#### **4-4.806 Commercial vehicles—Use of certain streets prohibited.**

- (a) Whenever any resolution of this City designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle, the City Manager shall erect and maintain appropriate signs on those streets affected by such ordinance.
- (b) Those streets and parts of streets established by resolution of the Council are hereby declared to be streets the use of which is prohibited by any commercial vehicle. The provisions of this section shall not apply to passenger buses under the jurisdiction of the Public Utilities Commission.

### **Article 9. Miscellaneous Driving Rules**

[4-4.901 No entrance into intersection that would obstruct traffic.](#)

[4-4.902 Limited access roadways.](#)

[4-4.903 Barriers and signs—Placement—Driver obedience required.](#)

[4-4.904 Driving over new pavement and markings prohibited.](#)

[4-4.905 Commercial vehicles not to use private driveways when.](#)

[4-4.906 Riding or driving on sidewalk.](#)

[4-4.907 Driving through funeral procession.](#)

[4-4.908 Private parking facilities open to the public.](#)

[4-4.909 Clinging to moving vehicles prohibited.](#)

**4-4.901 No entrance into intersection that would obstruct traffic.**

No operator of any vehicle shall enter any intersection, or a marked crosswalk, unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

**4-4.902 Limited access roadways.**

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established.

**4-4.903 Barriers and signs—Placement—Driver obedience required.**

No person, public utility or department in the City shall erect or place any barrier or sign on any street unless of a type approved by the City Manager or disobey the instructions, remove, tamper with or destroy any barrier or sign lawfully placed on any street by any person, public utility or by any department of this City.

**4-4.904 Driving over new pavement and markings prohibited.**

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier sign, cone marker or other warning device is in place warning persons not to drive over or across such pavement or markings, or when any such device is in place indicating that the street or any portion thereof is closed.

**4-4.905 Commercial vehicles not to use private driveways when.**

No person shall operate or drive a commercial vehicle in, on or across any private driveway approach or sidewalk area, or the driveway itself, without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited.

**4-4.906 Riding or driving on sidewalk.**

No person shall ride, drive, propel or cause to be propelled any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways, and excepting when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that said sidewalk area shall be substantially protected by wooden planks two (2") inches thick, and written permission shall be previously obtained from the City Manager. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours from 6:00 p.m. to 6:00 a.m.

**4-4.907 Driving through funeral procession.**

No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade, provided that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the Police Department.

**4-4.908 Private parking facilities open to the public.**

The City Manager may determine that there are privately owned and maintained off-street parking facilities that are generally held open for use of the public for purposes of vehicular parking, and as such, Sections 22350, 22507.8, 23103, 23109 and Division 16.5, commencing with Section 38000 of the Vehicle Code, should be made applicable for the well-being and safety of motorists and pedestrians. Such off-street parking shall be described by ordinance or resolution and enforceable after posting of such notice to enforce these specified sections by the owner or operator as specified in the Vehicle Code.

**4-4.909 Clinging to moving vehicles prohibited.**

No person shall attach himself with his hands, or to catch on, or hold onto with his hands or by other means, to any moving vehicle or train for the purpose of receiving moving power therefrom.

**Article 10. Abandoned Vehicles**

[4-4.1001 Findings—Purpose of provisions—Abandoned vehicle as nuisance.](#)

[4-4.1002 Definitions.](#)

[4-4.1003 Chapter provisions not exclusive.](#)

[4-4.1004 Chapter provisions not exclusive.](#)

[4-4.1005 Administration and enforcement.](#)

[4-4.1006 Administrative costs for vehicle removal.](#)

[4-4.1007 Franchises for vehicle removal.](#)

[4-4.1008 Notice to remove vehicle—Contents—Service requirements.](#)

[4-4.1009 Waiver of notice of intention to abate.](#)

[4-4.1010 Vehicle removal—Request for hearing—Time limits.](#)

[4-4.1011 Hearing procedure—Determination.](#)

[4-4.1012 Disposal of removed vehicle.](#)

[4-4.1013 Notification of removed vehicles to Department of Motor Vehicles.](#)

[4-4.1014 Removal costs assessed against land.](#)

**4-4.1001 Findings—Purpose of provisions—Abandoned vehicle as nuisance.**

In addition to and in accordance with the determination made and the authority granted by the State under Section 22660 of the Vehicle Code to remove abandoned vehicles or parts thereof as public nuisances, the City Council makes the following findings and declarations:

The accumulation and storage of abandoned vehicles or parts thereof on private or public property, not including highways, is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of abandoned vehicle or parts thereof on private or public property, not including highways, except as expressly hereinafter permitted, is a public nuisance which may be abated as such in accordance with the provision of this chapter.

(Ord. 89-09 § 1, 1989)

**4-4.1002 Definitions.**

As used in this chapter:

- (a) "Abandoned" means to desert, surrender, forsake or cede the voluntary relinquishment of possession of a thing by the owner with intention of terminating his ownership, but without vesting it in any other person.
- (b) "City" means the City of Avenal.
- (c) "Highway" means a way or place, of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" includes street.
- (d) "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment.
- (e) "Owner of the vehicle" means the last registered owner and the legal owner of record.
- (f) "Public property" does not include "highway."
- (g) "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

**4-4.1003 Chapter provisions not exclusive.**

This chapter is not the exclusive regulation of abandoned vehicles within the City. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City, the State, or any other legal entity or agency having jurisdiction.

(Ord. 89-09 § 3, 1989)

**4-4.1004 Chapter provisions not exclusive.**

- (a) This chapter shall not apply to:
  - (1) A vehicle or part thereof which 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
  - (2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard.
- (b) This exception shall not, however, authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.

(Ord. 89-09 § 4, 1989)

**4-4.1005 Administration and enforcement.**

Except as otherwise provided for herein, the provisions of this chapter shall be administered and enforced by regularly salaried full-time employees of the City, County or City and County. Removal of vehicles or parts thereof from property may be by any other duly authorized person. Any such authorized person may enter upon private property for the purposes specified in this chapter to examine a vehicle or parts thereof, obtain information as to the identity of a vehicle, and remove or cause the removal of a vehicle or part thereof declared to be nuisance pursuant to this chapter.

## Title 4 PUBLIC SAFETY

In accordance with Section 22665 of the Vehicle Code, the City Council may, by resolution, request the California Highway Patrol to administer this chapter.

(Ord. 89-09 § 5, 1989)

### **4-4.1006 Administrative costs for vehicle removal.**

The City Council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or part thereof) under this chapter.

### **4-4.1007 Franchises for vehicle removal.**

When the City Council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be nuisance pursuant to this chapter.

### **4-4.1008 Notice to remove vehicle—Contents—Service requirements.**

A notice of intention to abate and remove a vehicle or part thereof as a public nuisance shall be given at least ten (10) days before such abatement and removal. The ten-day notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and of the owner of the vehicle. The statement shall include notice to the property owner that he may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with the reasons for such denial, in lieu of appearing. The notice of intention to abate shall be made, by registered or certified mail to the owner of the land as shown on the equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(Ord. 89-09 § 7, 1989)

### **4-4.1009 Waiver of notice of intention to abate.**

Not less than a ten-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance must be issued, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof. However, the notice of intention is not required for removal of a vehicle or part thereof which is inoperable due to the absence of a motor, transmission or wheels and incapable of being towed, is valued at less than two hundred dollars (\$200.00) by a person specified in Vehicle Code Section 22855, and is determined by the local agency to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition under Vehicle Code Section 22662 of such low-valued vehicle or part for which evidence of registration was recovered pursuant to Vehicle Code Section 22661, subdivision (a), the local agency shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within twelve (12) days after the notice is mailed, from a location specified in Section 22662, final disposition may proceed. No local agency or contractor thereof shall be liable for damage caused to a vehicle or part thereof by removal pursuant to this section.

This section applies only to inoperable vehicles located upon a parcel that is (1) zoned for agricultural use or (2) not improved with a residential structure containing one or more dwelling units.

(Ord. 89-09 § 8, 1989)

**4-4.1010 Vehicle removal—Request for hearing—Time limits.**

- (a) Upon request by the owner of the vehicle or owner of the land received by the City Council within ten (10) days after the mailing of the notices of intention to abate and remove, or at the time of signing a release pursuant to Section 4-4.1009, a public hearing shall be held by the City Council or any other board, commission, or official of the City, County or City and County as designated by the City Council. Such hearing shall address the question of abatement and removal of the vehicle or parts thereof as an abandoned vehicle and the assessment of the administrative costs and cost of removal of the vehicle or parts thereof against the property on which it is located.
- (b) If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on the land within such period, the statement shall be construed as a request for a hearing which does not require the presence of the owner submitting such request. Notice of the hearing shall be mailed, by registered or certified mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten (10) days after mailing of the notice of intention to abate and remove the City shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

(Ord. 89-09 § 9, 1989)

**4-4.1011 Hearing procedure—Determination.**

- (a) All hearings under this chapter shall be held before the City Council or its designee, which shall hear all facts and testimony it deems pertinent on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private or public property. The City Council or its designee shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with the reasons for such denial.
- (b) The City Council or its designee may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the City Council or its designee may find that a vehicle or part thereof has been abandoned on private or public property, and order the same removed from the property as a public nuisance as provided in Section 4-4.1012. The order may determine the administrative cost and costs of removal to be charged against the owner of the parcel of land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof and the correct identification number and license number of the vehicle, if available at the site.
- (c) If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that the landowner has not subsequently acquiesced in its presence, the City Council or its designee shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from the landowner.

(Ord. 89-09 § 10, 1989)

**4-4.1012 Disposal of removed vehicle.**

Five days from the date of mailing notice of the order under Section 4-4.1011 to the landowner and vehicle owner, the vehicle or part thereof may be removed. The vehicle or part thereof may be disposed of by removal to a scrap yard, automobile dismantler's yard or any suitable site operated by a local authority, or other final disposition consistent with subsection (e) of Section 22661 of the Vehicle Code. After a vehicle has been removed it shall not thereafter be reconstructed or made operable unless it is a vehicle



which qualifies for either horseless carriage license plates or historical vehicle license plates pursuant to Section 5004 of the Vehicle Code, in which case the vehicles may be reconstructed or made operable.

(Ord. 89-09 § 11, 1989)

#### **4-4.1013 Notification of removed vehicles to Department of Motor Vehicles.**

Within five (5) days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or part thereof removed. At the same time, there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including, but not limited to, the registration card, certificates of ownership or license plates.

(Ord. 89-09 § 12, 1989)

#### **4-4.1014 Removal costs assessed against land.**

If the administrative costs and the costs of removal which are charged against the owner of the parcel of land pursuant to Section 4-4.1010 are not paid within thirty (30) days of the date of the date of order, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the Tax Collector for collection. The assessment shall have the same priority as other City taxes.

(Ord. 89-09 § 13, 1989)

### **Article 11. Pedestrians**

[4-4.1101 Establishment of marked crosswalks.](#)

[4-4.1102 Pedestrians must use crosswalks when.](#)

[4-4.1103 Obstruction of public right-of-way.](#)

#### **4-4.1101 Establishment of marked crosswalks.**

- (a) The City Manager shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows: Crosswalks shall be established and maintained at intersections and at other places, where the City Manager determines that there is particular hazard to pedestrians crossing the roadway.
- (b) Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than four hundred (400) feet in length, and such crosswalks shall be located as nearly as practicable at midblock.
- (c) The City Manager may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated.

#### **4-4.1102 Pedestrians must use crosswalks when.**

No pedestrian in the business district shall cross a roadway other than by a marked crosswalk or an unmarked crosswalk at an intersection.

**4-4.1103 Obstruction of public right-of-way.**

No pedestrian shall in any manner obstruct the right-of-way or passage of cars, vehicles, or pedestrians, or any combination thereof on any right-of-way, street, highway, alley, sidewalk, or any other right-of-way which has been established in the City.

(Ord. 82-05, 1982)

**Article 12. Heavy Vehicles and Machinery**

[4-4.1201 Heavy vehicles and equipment—Permit required.](#)

[4-4.1202 Heavy vehicles and equipment—Conditions for granting permit.](#)

[4-4.1203 Flange wheel machinery—Restrictions on streets.](#)

**4-4.1201 Heavy vehicles and equipment—Permit required.**

No person shall move or operate upon any of the City streets any vehicle with a load or loads in excess of those permitted by the Vehicle Code without a written permit from the City Manager.

**4-4.1202 Heavy vehicles and equipment—Conditions for granting permit.**

The City Manager may, by written permit, authorize a load or loads in excess of those allowed for in the Vehicle Code, if, in his judgment, the streets upon which such vehicle is to be operated can safely withstand the additional weight, or if the applicant will guarantee to the City that all costs of repair to the streets or to the public property of the City damaged by the movement of such load or loads will be paid in full. Such permit shall be granted upon such conditions and upon depositing such bond as the City Manager in his discretion may require.

**4-4.1203 Flange wheel machinery—Restrictions on streets.**

No person shall operate over the City streets any vehicle or piece of equipment which has lugs, cleats, flanges or other projections on the wheels or tracks. If the tread of the track has projections or corrugations, a filler block may be placed on each section so that a flat bearing surface will be in contact with the pavement at all times.

**Article 13. Violation—Penalty**

[4-4.1301 Violations deemed infractions—Penalty.](#)

**4-4.1301 Violations deemed infractions—Penalty.**

- (a) Any person violating any of the provisions of this chapter, except Section 4-4.722, is guilty of an infraction and shall be punished as provided in Title 1, Chapter 2 of this Code insofar as applicable to infractions.
- (b) Any person found in violation of Section 4-4.722 of this chapter is guilty of an infraction and shall be punishable:
  - (1) For a first violation by a fine of not more than one hundred dollars (\$100.00);

Title 4 PUBLIC SAFETY

- (2) For a second violation within a period of one year, by a fine of not more than three hundred dollars (\$300.00);
  - (3) For a third violation within a period of one year, by a fine of not more than five hundred dollars (\$500.00);
  - (4) For a fourth violation within a period of one year by a fine of not more than five hundred dollars (\$500.00); and
  - (5) For a fifth violation within a period of one year, by a fine of not more than five hundred dollars (\$500.00).
- (c) In addition, the City and/or its agent may, after ninety-six (96) hours have elapsed since the issuance of a citation for a fifth violation of Section 4-4.722 as set forth in subsection (b) of this section, cause a commercial vehicle to be towed and stored with a storage facility.
- (d) The registered and legal owner of a commercial vehicle towed and stored pursuant to this section shall immediately be given written notice of the removal and the grounds for removal. The notice shall also include:
- (1) The name and location of the place to which the commercial vehicle has been removed; and
  - (2) The amount of mileage on the commercial vehicle at time of removal.
- If the City and/or its agent is not able to ascertain the name of the owner and/or is unable to give notice to the owner as set forth herein, the City and/or its agent shall comply with the notice provisions contained within Section 22653 of the California Vehicle Code.
- (e) The registered and legal owners of a commercial vehicle towed and stored pursuant to this section shall be given the opportunity for a post-storage hearing to determine the validity of the storage. The post-storage hearing shall comply with the following requirements:
- (1) A notice of the storage shall be mailed or personally delivered to the registered and legal owners within forty-eight (48) hours, excluding weekends and holidays, and shall include:
    - (i) The name, address, and telephone number of the agency providing the notice;
    - (ii) The location of the place of storage and description of the commercial vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage;
    - (iii) The authority and purpose for the removal of the vehicle; and
    - (iv) A statement that, in order to receive their post-storage hearing, the owners or their agents, shall request the hearing in person, writing, or by telephone within ten (10) days of the date appearing on the notice.
  - (2) The post-storage hearing shall be conducted within forty-eight (48) hours of the request, excluding weekends and holidays. The City may authorize its own officer or employee to conduct the hearing, if the hearing officer is not the same person who directed the storage of the vehicle.
  - (3) Failure of either the registered or legal owner, or his or her agent, to request or to attend a scheduled hearing shall satisfy the post-storage hearing requirement.
- (f) Persons operating or in charge of any storage facility where commercial vehicles are stored pursuant to this section, shall comply with the requirements of California Vehicle Code Sections 22651.1 and 22658(h) through (k), inclusive.

(Ord. 2003-01, 2003)

**Article 14. Reserved**

**Article 15. Public Preferential Parking on Public Streets**

[4-4.15.010 Definitions.](#)

[4-4.15.011 Establishment of public preferential parking zones in public areas.](#)

[4-4.15.012 Findings.](#)

[4-4.15.013 Notice of public preferential parking zones.](#)

[4-4.15.014 Issuance of permits.](#)

[4-4.15.015 Nonresident public preferential parking permits.](#)

[4-4.15.016 Permit conditions.](#)

[4-4.15.017 Prohibitions.](#)

[4-4.15.018 Locations and restrictions.](#)

[4-4.15.019 Permit fees.](#)

**4-4.15.010 Definitions.**

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Commercial vehicle" means a vehicle as defined by the California Vehicle Section 260 and any subsequent amendments thereto.

"Motor vehicle" includes an automobile, truck, motorcycle, or other motor-driven form of transportation not in excess of ten thousand (10,000) pounds of gross weight.

"Nonresident permit" means a permit issued by the City Manager, or his or her designee, to a nonresident of the City of Avenal, for use on a motor vehicle or commercial vehicle in those preferential permit parking areas where the City Council, has by resolution, authorized the use of such permits.

"Resident permit" means a permit issued by the City Manager, or his or her designee, to a resident of the City of Avenal, for use on a motor vehicle or commercial vehicle in those preferential permit parking areas where the City Council, has by resolution, authorized the use of such permits.

"Public area" includes both commercial and residential zones within the City of Avenal.

"Semi-trailer" is any separate vehicle which is not driven or propelled by its own power, but which, to be useful, must be attached to and become part of another vehicle, and then loses its identity as a separate vehicle.

"Trailer" is any separate vehicle, not driven or propelled by its own power, but drawn by some independent power.

(Ord. 97-02 (part), 1997)

**4-4.15.011 Establishment of public preferential parking zones in public areas.**

The City Council may designate by ordinance certain public areas or any portions thereof, as a public preferential parking zone for the benefit of persons in ownership and/or possession of any motor vehicle and/or commercial vehicle as defined by this section.

(Ord. 97-02 (part), 1997)

**4-4.15.012 Findings.**

Each preferential parking zone may be designated by the City Manager, or his or her designees, upon the finding that such zone is necessary to provide reasonably available and convenient parking for the benefit of residents of the City of Avenal. Such findings shall be based upon the following criteria established to the satisfaction of the City Council:

- (a) Commercial vehicles do, or may, substantially and regularly interfere with the use of the majority of available public street and/or alley parking spaces by other residents of the City of Avenal;
- (b) The interference by vehicles referred to in subsection (a) of this section occurs at regular and significant intervals. For purposes of this article, such interference shall be presumed to be regular and significant if it occurs, under typical circumstances, not less frequently than three (3) times per week, Monday through Friday; and
- (c) No alternative solution is feasible or practical.

(Ord. 97-02 (part), 1997)

**4-4.15.013 Notice of public preferential parking zones.**

No public preferential parking ordinance or resolution shall apply until signs or markings giving adequate notice thereof have been placed.

(Ord. 97-02 (part), 1997)

**4-4.15.014 Issuance of permits.**

- (a) The City Manager, or his or her designee, shall be responsible for the issuance of permits pursuant to this article. Applicants for such permits shall present such proof, as may be required by said department, of residence in the City of Avenal and of the number of commercial vehicles and/or motor vehicles registered to the applicant. No more than one permit shall be issued for each registered motor vehicle. Applicants requesting more than a total of one permit may be granted additional public parking permits by the City Manager, or his or her designee, upon a showing that there is more than one vehicle registered to or regularly used by the applicant, and that insufficient alternate off-street parking is available to the applicant during the effective hours of the preferential parking zone.
- (b) The City Manager, and his or her designee, shall prescribe appropriate application forms and procedures with respect to such permits. The form of the permit shall be prescribed by the City Manager and shall be affixed in a visible location on the left hand portion of the subject vehicle's rear bumper.
- (c) Resident permits issued pursuant to this section shall remain effective for a period of one calendar year or fraction thereof, or so long as the applicant continues to reside in the City of Avenal or until the public preferential parking zone for which such permit was issued is eliminated, whichever period of time is less.
- (d) Permits, if issued to nonresidents, shall expire three (3) days after the date of issuance. No more than three (3) nonresident permits may be issued to any one person within any twelve (12) month period of time.
- (e) Each permit shall be subject to all conditions and restrictions set forth in this article and of the public preferential parking zone for which it was issued, including conditions or restrictions which may be altered or amended from time to time. The issuance of such permit shall not be construed to be a

permit for, or approval of, any violation of any provisions of this Code or any other laws or regulations.

(Ord. 97-02 (part), 1997)

#### **4-4.15.015 Nonresident public preferential parking permits.**

The City Manager, or his or her designee, is authorized upon application to issue nonresident permits to persons not residing within the City of Avenal for use thereby. The City Council may, by resolution or ordinance, prohibit or regulate the issuance and use of nonresident permits in any public preferential permit parking area.

(Ord. 97-02 (part), 1997)

#### **4-4.15.016 Permit conditions.**

Each permit issued pursuant to this article shall be subject to the following conditions:

- (a) While parked or standing pursuant to a permit issued hereunder, the operator of the vehicle shall not idle the vehicle's engine for longer than fifteen (15) minutes, nor race the vehicle's engine, nor use "jake" brakes, nor blow air horns.
- (b) While parked or standing pursuant to a permit issued hereunder, no commercial vehicle shall be loaded or unloaded or have cargo transferred to or from the commercial vehicle.
- (c) While parked or standing pursuant to a permit issued hereunder, no refrigeration unit on the vehicle shall be operated within three hundred (300') feet of any human dwelling place except with the consent of the person in charge of each such dwelling place.
- (d) No maintenance of any vehicle shall be performed on any vehicle while it is parked or standing on a public street pursuant to a permit issued hereunder.

(Ord. 97-02 (part), 1997)

#### **4-4.15.017 Prohibitions.**

- (a) No vehicle shall be parked or stopped adjacent to any curb in any public preferential parking zone in violation of any posted or noticed prohibition or restriction unless such vehicle shall have prominently displayed, in the manner set forth herein, a permit indicating an exemption from such restriction or prohibition.
- (b) It shall be unlawful for any person to sell, rent or lease, or cause to be sold, rented or leased for any value or consideration any public preferential parking permit. Upon conviction of a violation of this subsection, all public preferential permits issued to, or for the benefit of, the commercial vehicle or motor vehicle for which the sold, rented or leased permit was authorized, shall be void.
- (c) It shall be unlawful for any person to buy or otherwise acquire for value or use any public preferential parking permit except as provided for in this article.

(Ord. 97-02 (part), 1997)

#### **4-4.15.018 Locations and restrictions.**

The City Manager or his or her designees shall install, at such streets or alleys or portions thereof as have been declared to be public preferential parking zones, appropriate signs or markings giving notice of such parking restrictions.

(Ord. 97-02 (part), 1997)

**4-4.15.019 Permit fees.**

The fee for public preferential parking permits shall be established by resolution of the City Council.

(Ord. 97-02 (part), 1997)

**Article 16. Towed Vehicle Recovery Program**

[4-4.16.010 Name of program.](#)

[4-4.16.011 Purpose of fund.](#)

[4-4.16.012 Establishment of administrative fee.](#)

[4-4.16.013 Reimbursement of fee for towed vehicle.](#)

[4-4.16.014 Effective date.](#)

**4-4.16.010 Name of program.**

This article and chapter shall be known as the "Avenal Towed Vehicle Recovery Program Fund."

(Ord. 2004-01 (part), 2004)

**4-4.16.011 Purpose of fund.**

The City finds and determines as follows:

- (a) City peace officers are authorized to remove vehicles from City roads and store such vehicles as provided in, without limitation, California Vehicle Code Sections 14602.6 and 22650 et seq., and establish an administrative cost recovery program for such removal and storage.
- (b) Under the City-County Law Enforcement Services Agreement ("Services Agreement"), the Sheriffs Department of the County of Kings has agreed to provide general law enforcement within the corporate limits of the City of Avenal. While engaged in performing such services and function, any and all appointed deputies of the Sheriffs Department have been deemed to be officers or employees of the City to the extent that such services and functions are within the scope of the Services Agreement and are municipal functions. Hereinafter, deputies providing services and functions within the scope of the Services Agreement within the corporate limits of the City of Avenal shall be referred to as the "Avenal Law Enforcement Agency."
- (c) A need exists for a program to establish an orderly procedure for the storage and return of vehicles to their lawful owners and to provide the appropriate method of reimbursement for that government service.
- (d) A special fund is hereby established for the receipt and expenditure of administrative fees collected pursuant to this Article. This special fund shall be known and designated as the "Avenal Towed Vehicle Recovery Program Fund."
- (e) Balances remaining in the fund at the close of any fiscal year shall be deemed to have been collected for the purposes specified herein and shall be carried forward and accumulated in the fund for those purposes.

(Ord. 2004-01 (part), 2004)

**4-4.16.012 Establishment of administrative fee.**

- (a) A fee to reimburse the City of Avenal for administrative costs incurred in the administration of procedures for removing vehicles shall be charged by the Avenal Law Enforcement Agency for the benefit of the City to the owner of a vehicle removed pursuant to California Vehicle Code Sections 14602.6, 12500(a) and 22651. Charges shall be in accordance with and by the authority of Section 22850 et seq., of the California Vehicle Code and Section 53158 of the California Government Code.
- (b) Fees to be collected under this Article shall not exceed the actual administrative costs incurred by the City through the Avenal Law Enforcement Agency relating to the removal, impoundment, storage and release of the vehicle, as determined and fixed by the City Council from time to time.
- (c) Fees to be collected under this article shall be proposed by the Avenal Law Enforcement Agency or their designee, and shall not go into effect until approved by resolution of the City Council of the City of Avenal.
- (d) The Avenal Law Enforcement Agency is hereby authorized to adopt rules, regulations, and procedures as are necessary for the removal, impoundment, storage, and release of impounded vehicles.
- (e) The Sheriff of the Avenal Law Enforcement Agency is also hereby authorized to adopt rules, regulations, and procedures as are necessary for the imposition, collection and administration of fees authorized by this Article, subject to the requirements of Sections 22850 et seq., of the California Vehicle Code. Any rules, regulations and procedures to be established by the Sheriff under this subsection shall be agreed upon by the City Council prior to their adoption and implementation.

(Ord. 2004-01 (part), 2004)

**4-4.16.013 Reimbursement of fee for towed vehicle.**

All or any part of a fee collected under this Article may be reimbursed to the owner or persons in lawful possession of the vehicle, if the fee was incurred because:

- (a) The vehicle was towed and stored at the order of the Avenal Law Enforcement Agency, to examine the vehicle for evidence of a crime;
- (b) The vehicle was towed and stored by the Avenal Law Enforcement Agency and towing or storage was not authorized by any of the provisions of the California Vehicle Code; or
- (c) Officers, agents, or employees of the Avenal Law Enforcement Agency ordered a vehicle towed and stored when in fact the vehicle was not subject to towing and storage.

(Ord. 2004-01 (part), 2004)

**4-4.16.014 Effective date.**

The ordinance codified in this chapter shall be in full force and effect at 12:01 a.m. April 25, 2004.

(Ord. 2004-01 (part), 2004)

**Chapter 5 PRIVATE PATROL SYSTEMS AND PRIVATE WATCHMEN**

**Sections:**

[4-5.01 Definition.](#)

[4-5.02 Registration—Required.](#)

[4-5.03 Registration—Procedures.](#)

[4-5.04 Qualifications.](#)



[4-5.05 Uniforms.](#)

[4-5.06 Badge design restrictions.](#)

[4-5.07 Vehicle insignia restrictions.](#)

[4-5.08 Complaints.](#)

#### **4-5.01 Definition.**

"Private patrol system" is any business which intends to furnish or does furnish any private policeman, watchman or guard to patrol any territory or to guard or watch property of another person within the incorporated boundaries of Avenal.

(Ord. 83-02 § 1, 1983)

#### **4-5.02 Registration—Required.**

It shall be unlawful for any person to act as a private patrol watchman or for any person holding a private patrol license to employ or permit any person to act as a private patrol watchman unless such person registers with the Avenal Police Department.

(Ord. 83-02 § 2, 1983; Res. No. 2010-64, 10-28-2010)

#### **4-5.03 Registration—Procedures.**

The person named in the register as a private patrol watchman shall, within three (3) working days after his registration, present himself to the Avenal Police Department to be photographed and fingerprinted. The Chief of Police or his designated representative shall forthwith cause said person to be photographed and fingerprinted and such photographs and fingerprints shall be filed in the permanent records of the Avenal Police Department.

(Ord. 83-02 § 3, 1983; Res. No. 2010-64, 10-28-2010)

#### **4-5.04 Qualifications.**

All employees or applicants must be of good moral character and good mental character. Personnel of a private patrol system shall not have been convicted of any felony or of any narcotic law or any law involving moral turpitude and which conviction would, in the judgment of the Avenal Police Department, indicate that such employees or applicants are not of good moral character.

(Ord. 83-02 § 6, 1983; Res. No. 2010-64, 10-28-2010)

#### **4-5.05 Uniforms.**

Every operator of a private patrol system shall adopt a characteristic uniform and all private patrol watchmen employed by such operator shall wear such uniform at all times while engaged in the performance of the duties of his employment. The characteristic uniform proposed to be adopted by the holder of a private patrol system permit and any uniform proposed to be worn by a private watchman must first be approved by the Avenal Police Department.

(Ord. 83-02 § 4, 1983; Res. No. 2010-64, 10-28-2010)

#### **4-5.06 Badge design restrictions.**

It shall be unlawful for any person to wear or display, or cause to be worn or displayed, any badge or insignia similar in design to that used by the Sheriff's Department and City Police Department, and no badge or insignia of any design shall be worn or displayed or used in any manner unless the same has been first approved by the Avenal Police Department. Any badge or insignia worn by a private watchman or private patrol watchman shall have imprinted thereon, in letters of a size approved by the Avenal Police Department, the name of the employer of the private watchman or the name of the private patrol watchman system by whom the private patrol watchman is employed as the case may be and in addition to such name there may be imprinted thereon the words "private officer," or "private patrol watchman," "private watchman," "watchman" or "guard."

(Ord. 83-02 § 5, 1983; Res. No. 2010-64, 10-28-2010)

#### **4-5.07 Vehicle insignia restrictions.**

It shall be unlawful for any private patrol system to use or operate vehicles of the same color as that of the Police Department or Sheriff's Department. No seals, decals or insignias are to be placed on the vehicles but the name of the company and the words, "private patrol" must be placed on the side of the doors; lettering to be not less than three (3) inches in height and the lettering shall be in contrast to the color of the background upon which they are placed.

(Ord. 83-02 § 8, 1983)

#### **4-5.08 Complaints.**

The Avenal Police Department is hereby authorized, empowered and directed to file, or cause to be filed, with the directors of the Bureau of Private Investigators and Adjustors of the State, a complaint against any person holding a license to carry on the business of private patrol watchman issued by such director, whenever he believes good cause exists therefor.

(Ord. 83-02 § 7, 1983; Res. No. 2010-64, 10-28-2010)

### **Chapter 6 DISCHARGE OF WEAPONS**

#### **Sections:**

[4-6.01 Discharge of weapons prohibited.](#)

[4-6.02 Penalty for violation.](#)

[4-6.03 Destruction of weapon.](#)

#### **4-6.01 Discharge of weapons prohibited.**

It is unlawful to fire or discharge, or cause to be fired or discharged within the Avenal City limits, any firearm, rifle, pistol, shotgun, cannon, air rifle, air gun, B.B. gun, pellet gun, gas operated gun, spring gun, slingshot, bow, crossbow, or any other weapon designed to discharge or propel any projectile capable of causing injury; provided, however, the provisions of this section shall not apply to:

- (a) Peace officers when acting in the line of duty;
- (b) Persons otherwise lawfully acting to protect life or property;

## Title 4 PUBLIC SAFETY

- (c) Persons so discharging in or upon an educational institution as a curricular activity or a business establishment licensed by the City of Avenal for such purposes; or
- (d) Any person, firm, partnership or corporation who has obtained a permit from the City of Avenal to discharge one of the above-referenced weapons for an allowable business and/or personal purpose as provided for within this chapter and/or the remaining portions of the Avenal Municipal Code.

(Ord. 97-05 (part), 1997)

### **4-6.02 Penalty for violation.**

It is unlawful for any person, firm, partnership, or corporation to violate any provision or to fail to comply with any of the requirements of this chapter. Any person, firm, partnership, or corporation violating any provision of this chapter, or failing to comply with any of this chapter's requirements, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period not exceeding six (6) months, by a fine not exceeding one thousand dollars (\$1,000.00), or by both fine and imprisonment. Each such person, firm, partnership or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefore as provided in this chapter.

(Ord. 97-05 (part), 1997)

### **4-6.03 Destruction of weapon.**

Any weapon of any nature used in the commission of any misdemeanor as provided within this chapter, shall, upon determination by the Avenal Chief of Police, or his agents, that continued possession of the weapon would be likely to result in endangering the safety of others, be surrendered to the Avenal Chief of Police, or his agent(s). Any weapon surrendered under this section, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may be: (1) offered by the Avenal Chief of Police, or his agents, for sale at public auction to persons licensed pursuant to California Penal Code Section 12071 to engage in businesses involving any weapon purchased; (2) destroyed by the Avenal Chief of Police, or his agents, so that it can no longer be used as such a weapon; and/or (3) used by the Avenal Chief of Police, or his agent(s), as such Police Department sees fit.

Where following confiscation of any weapon under this section the Avenal Chief of Police, or his agents, determines that return of the weapon would not be likely to result in endangering the safety of others, the police department shall notify the owner of the weapon of the procedure for the return of any weapon which has been confiscated.

No stolen weapon used in the commission of any misdemeanor as provided within the chapter, shall be sold or destroyed pursuant to this section, unless reasonable notice is given to its lawful owner, if his or her identity and address can be reasonably ascertained.

(Ord. 97-05 (part), 1997; Res. No. 2010-64, 10-28-2010)

## **Chapter 7 FIREWORKS**

### **Sections:**

[4-7.01 Purpose.](#)

[4-7.02 Sale of fireworks.](#)

[4-7.03 Discharge of fireworks.](#)

[4-7.04 Applicants.](#)

[4-7.05 Permits for retail sale of fireworks.](#)

[4-7.06 Insurance.](#)

[4-7.07 Revocation.](#)

#### **4-7.01 Purpose.**

The City of Avenal has determined that in order to protect the health, safety and welfare of the citizens within the City and metropolitan area, it is necessary to regulate the sale and discharge of safe and sane fireworks.

(Ord. 98-02 § 1 (part), 1998)

#### **4-7.02 Sale of fireworks.**

- (a) It is unlawful for any person to sell, offer for sale, or display for sale any "safe and sane fireworks" as defined with Section 12529 of the California Health and Safety Code (hereinafter referred to as "fireworks"), within the City of Avenal and metropolitan area without first obtaining a permit therefor from the City Manager of the City of Avenal, or designee, as provided herein.
- (b) Fireworks may be sold within the City of Avenal and metropolitan area only from June 28 to July 4 of any year, unless July 4 falls on a Sunday, in which case the period for the sale of fireworks shall end on July 5. The hours of operation of any fireworks stand shall be limited to 12:00 noon to 11:00 p.m. on June 28 and 9:00 a.m. to 11:00 p.m. daily during the other days identified above except the last day when sales must cease no later than 12:00 midnight. The sale of any fireworks shall be made strictly in accordance with the provisions of this chapter, Article III, Chapter 10 of the Kings County Ordinance Code, and the laws of the State of California.

(Ord. 98-02 § 1 (part), 1998)

#### **4-7.03 Discharge of fireworks.**

It shall be unlawful for any person to fire, set off, discharge, explode, use to, cause to, or permit to be fired, set off, discharged, exploded or used, any fireworks within the City of Avenal and metropolitan area except for that period beginning at 9:00 a.m. on July 1 and ending at 12:00 midnight on July 4 of any year, unless July 4 falls on a Sunday, in which case the period ends at 12:00 midnight on July 5.

(Ord. 98-02 § 1 (part), 1998)

#### **4-7.04 Applicants.**

Applicants for a City of Avenal fireworks permit must satisfy the following requirements:

- (a) Each applicant must have had its principal place of business and permanent meeting place within the City of Avenal for a period of at least one year prior to the date of application for a permit; and
- (b) Each applicant shall provide any and all documentation that the City Manager, or designee, may request in order to establish that all requirements of this section have been satisfied.

(Ord. 98-02 § 1 (part), 1998)

**4-7.05 Permits for retail sale of fireworks.**

All applications for a fireworks permit shall comply with the provisions of Section 12500 et. seq. of the California Health and Safety Code, Subchapter 6, Article V, of Title 19 of the California Administration Code, and any and all rules and regulations established by the State of California, the County of Kings, and the City of Avenal. In addition, each applicant shall be governed by the following:

- (a) An application for a fireworks permit shall be filed with the City Manager, or designee, on or before June 1 of each year, along with payment of a nonrefundable permit fee established by resolution of the City Council, fireworks permits are not transferable.
- (b) The City Manager, or designee, shall issue permits. Permits denied for failure to comply with Sections 4-7.04, 4-7.05 or 4-7.06 may be appealed to the City Manager or designee, and thereafter to the City Council.
- (c) No fireworks permit will be granted to an applicant if the following items are not properly and completely prepared and presented to the City Manager, or designee, on or before June 1 of the calendar year during which the fireworks will be sold:
  - (1) State Fire Marshall's license;
  - (2) Temporary seller's permit from the State Board of Equalization;
  - (3) Property owner's permission form (original) signed and currently dated;
  - (4) Storage of safe and sane fireworks form;
  - (5) Address of property where stand will be located;
  - (6) Certificate of insurance as required by the City of Avenal; and
  - (7) County of Kings fireworks permit obtained in accordance with Chapter 10, Article III, of the Kings County Ordinance Code.

The City Manager, or designee, may extend the June 1 filing date if the City Manager, or designee, determines in his or her sole discretion, that an applicant has attempted in good faith and with due diligence to satisfy all of the requirements in subsections (a) and (c) of this section and that as a result of action or inaction on the part of other persons or entities, which are beyond the applicant's control, the applicant has been unable to satisfy the requirements of subsections (a) and (c) within the required time periods.

- (d) No change of stand locations will be permitted without the prior approval of the City Manager, or designee,
- (e) All fireworks stands must be removed on or before 12:00 midnight July 5 of each respective year, unless July 4 falls on a Sunday, in which case the period for the stand removal ends at 12:00 midnight on July 6, provided, however, that all unsold fireworks stock and accompanying litter shall be removed from the stand on or before 5:00 p.m. on the last day.
- (f) No person shall sell, or offer for sale, any fireworks within a distance of one hundred (100') feet of any pump or dispensing device of any flammable liquids.
- (g) No fireworks stand shall be located within thirty (30') feet of any adjacent buildings, burnable materials, grass, paper, or like flammable materials.
- (h) No fireworks stand shall be located closer than ten (10') feet from any public roadway or back of curb, or in any location which does not otherwise meet the approval of the City Manager, or designee,
- (i) No sale of display of fireworks will be allowed inside any permanent building.
- (j) Each fireworks stand shall have minimum of two (2) exits which shall be located and provided on opposite sides. Each shall be at least thirty-two (32") inches wide. Fireworks stands with only three (3) sides and open from the back will not require exits.

## Title 4 PUBLIC SAFETY

- (k) If stands are operated at night, only electric lights may be used.
- (l) "No Smoking" signs shall be located on all sides of the stand. Each sign all have the words "No Smoking" in red letters, not less than two (2") inches in height, with a minimum one and one-half (1-½) inch stroke on a white background.
- (m) One approved two and one-half (2-½) gallon pressurized, water-type fire extinguisher and/or one five (5) pound multi-purpose ABC fire extinguisher or garden hose fully charged with shut-off nozzle attached, shall be provided in the stand's sale area. There shall be no exceptions to this requirement. The fire extinguisher must be in operating condition, with an up-to-date inspection tag indicating that the fire extinguisher has be serviced within the past year.
- (n) Fireworks signs shall not create a traffic hazard and must be approved by the City Manager, or designee.
- (o) All permittees shall instruct all employees and persons who handle fireworks in any capacity, of the hazards of fireworks and with these rules and safety precautions governing fireworks.
- (p) All persons selling fireworks shall be trained in emergency procedures, including the use of fire extinguishers.
- (q) Persons employed for the sale of fireworks shall be at least eighteen (18) years of age. Proof must be shown at any time when requested by the City Manager, or designee.
- (r) No person under sixteen (16) years of age shall purchase fireworks.
- (s) No sleeping inside the fireworks stand will be permitted at any time.
- (t) The stand and surrounding area shall be maintained in a clean, neat and orderly condition at all times and be free from any condition that would create a "fire nuisance."
- (u) No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within the fireworks stands.
- (v) Smoking shall be prohibited where fireworks are stored or handled.
- (w) No person, other than a member of the organization or a volunteer who is associated with the organization having a permit, shall be permitted to sell or to otherwise participate in the sale of fireworks.
- (x) No permit issued or authorized shall be transferable or assignable.
- (y) No person shall light, or cause to be lighted, any fireworks or other combustible article within any stand or within two hundred (200') feet thereof.
- (z) The applicant's state license, County fireworks permit, City fireworks permit, and temporary sales permit issued by the State Board of Equalization shall be displayed in a prominent place in the fireworks stand.

(Ord. 98-02 § 1 (part), 1998)

### **4-7.06 Insurance.**

Prior to the issuance of a permit, the eligible organization shall procure a certificate of insurance acceptable to the City of Avenal. The certificate shall name the City of Avenal, its officers, agents and employees as additional insureds in an amount of not less than one million dollars (\$1,000,000.00) combined bodily injury and property damage for each occurrence. The certificate must specify the time, location and dates to be covered by the policy.

(Ord. 98-02 § 1 (part), 1998)

#### **4-7.07 Revocation.**

Any violation of these provisions, or any other City ordinance, or the terms and conditions of the permit, of state law or administrative regulations, or safety rules of the City Manager, or designee, shall be grounds for immediate revocation of the permit. Any such violation shall be determined in the sole discretion of the City manager, or designee. The decision of the City Manager, or designee, with regards to revocation may be appealed to the City Council.

(Ord. 98-02 § 1 (part), 1998)

### **Chapter 8 SKATEBOARD REGULATIONS**

#### **Sections:**

[4-8.01 Application.](#)

[4-8.02 Definition.](#)

[4-8.03 Use and operation.](#)

#### **4-8.01 Application.**

This chapter applies to the use and operation of skateboards on all streets, alleys, sidewalks and rights-of-way in the City, whether public or private, and all other property owned by the City, and upon private property for which a request for application of this chapter has been established by resolution of the Avenal City Council.

(Ord. 92-02 (part), 1992)

#### **4-8.02 Definition.**

"Skateboard" when used in this chapter means a plank, or board approximately two (2') feet long with a wheeled skate, or skates attached thereto, foot or motor propelled without a steering apparatus.

(Ord. 92-02 (part), 1992)

#### **4-8.03 Use and operation.**

- (a) Except as provided below, no person shall use or operate a skateboard on a public or private through street or alley in the City if there is a sidewalk adjacent and parallel to the street. If no such sidewalk is present, skateboards may be operated in the street as far on the right-hand side of the roadway as is practicable in the same direction as traffic.
- (b) Notwithstanding any other provision herein, no person shall use or operate a skateboard on the streets or sidewalks and property owned or controlled by the City within the commercial zoned areas of the City, including, but not limited to the following:
  - (1) Kings Street;
  - (2) State Route 269 (Skyline Boulevard).

Skateboarding shall be prohibited on all other public streets, sidewalks, rights-of-way and all other public property or private property upon the request of the owner, as the City Council may from time to time designate by resolution.

- (c) No person shall use or operate a skateboard on any public or private street, alley, or sidewalk, or right-of-way, or on any property owned by the City in a manner which endangers the safety of any other person or property. No person using or operating a skateboard on a street, alley, sidewalk, right-of-way or any other property owned by the City shall pass a pedestrian at a distance closer than five (5') feet. If such street, alley, sidewalk, right-of-way or public property is not sufficiently wide to allow the skateboard to pass the pedestrian while maintaining a five (5') foot distance, the skateboarder shall cease to operate the skateboard and walk past the pedestrian until such time the skateboarder can maintain a five (5') foot distance.
- (d) No person shall use or operate a skateboard within twenty (20') feet of the entrance to any shop, store, or commercial building while such shop, store or commercial building is open for business.
- (e) The use of ramps, jumps or any other portable device used to force the skateboard off the pavement is prohibited on any public street, alley, sidewalk or public property or private property for which the owner has requested prohibition.
- (f) No person shall be towed on a skateboard by the use of any mechanical device.
- (g) No person shall use or operate a skateboard more than one-half (½) hour after sunset or one-half (½) hour prior to sunrise without the use of an arm-mounted light or reflective arm band or reflective clothing. For the purpose of this subsection, light colored clothing may be considered reflective clothing.

(Ord. 92-02 (part), 1992)

## **Chapter 9 SKATEBOARD FACILITIES**

### **Sections:**

[4-9.01 Use and operation.](#)

[4-9.02 Liability.](#)

[4-9.03 Validity.](#)

[4-9.04 Effective date.](#)

### **4-9.01 Use and operation.**

- (a) In any skateboard park or facility owned or operated by the City, any person riding a skateboard, in-line skates, and/or similar device, shall wear a helmet, elbow pads and knee pads.
- (b) The Public Works Department shall cause a sign or signs to be posted at all such parks or facilities providing reasonable notice of subsection (a) of this section and stating that any person failing to comply with subsection (a) of this section will be guilty of an infraction and subject to citation. Subsequent violations by the same person within one hundred twenty (120) days shall constitute a misdemeanor.
- (c) Any person who fails or refuses to comply with the provisions of this section and who is injured while using the park or facility shall be deemed negligent.
- (d) The City shall prepare and post rules for use of city-owned skateboard facilities consistent with this chapter. Said rules shall be adopted by resolution by the City Council and shall be amended as needed and/or required.

(Ord. 2002-07 § 1, 2002)



#### **4-9.02 Liability.**

This chapter is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a civil liability for damages, except as otherwise imposed by law.

(Ord. 2002-07 § 2, 2002)

#### **4-9.03 Validity.**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be effective without the invalid provision or application, and to this end the provisions of this chapter are severable. The City Council hereby declares that it would have adopted this chapter irrespective of the validity of any particular portion thereof.

(Ord. 2002-07 § 3, 2002)

#### **4-9.04 Effective date.**

Due to the immediate health and safety concerns regarding the skateboard facilities that are subject to this chapter, the City Council hereby declares this an emergency ordinance and therefore ordains that the ordinance codified in this chapter shall be in effect on December 12, 2002.

(Ord. 2002-07 § 4, 2002)

### **Chapter 10 SPORTS/RECREATIONAL FACILITIES LAW**

#### **Sections:**

[4-10.01 Title.](#)

[4-10.02 Use and operation.](#)

[4-10.03 Posting of rules and regulations.](#)

[4-10.04 Violations.](#)

#### **4-10.01 Title.**

This chapter shall be known as the Sports/Recreational Facilities Law of the City of Avenal.

(Ord. No. 2009-03, § 2, 8-12-2009)

#### **4-10.02 Use and operation.**

- (a) For the safety of the community and the public, the City Council adopts the "Rules and Regulations" in Appendix 1 which may be amended by the City Council from time to time as needed or required for safe and reasonable use and operation of City-owned parks, sports complexes and other recreational facilities.
- (b) The Public Works Department shall cause the Rules and Regulations adopted under this chapter to be posted at all times on all City-owned parks, sports complexes and other recreational facilities.

## Title 4 PUBLIC SAFETY

- (c) All persons on City-owned parks, sports complexes and other recreational facilities must comply with the Rules and Regulations adopted under this chapter.

(Ord. No. 2009-03, § 2, 8-12-2009)

### **Editor's note—**

Appendix 1, referenced above, is not set out herein, but is on file and available for inspection in the City offices.

### **4-10.03 Posting of rules and regulations.**

The Public Works Department shall cause a sign or signs to be posted on all City-owned parks, sports complexes and other recreational facilities, stating that any person failing to comply with the Rules and Regulations adopted under this chapter shall be guilty of an infraction and subject to citation and the penalty provisions of Chapter 2 of Title 1 of the Avenal Municipal Code and that each subsequent violation, by the same person, within ninety (90) days shall constitute a misdemeanor.

(Ord. No. 2009-03, § 2, 8-12-2009)

### **4-10.04 Violations.**

- (a) Any person who violates any of the Rules and Regulations adopted under this chapter shall be guilty of an infraction and subject to citation and the penalty provisions of Chapter 2 of Title 1 of the Avenal Municipal Code. Each subsequent violation, by the same person, within ninety (90) days of a prior violation shall constitute a misdemeanor.
- (b) Any person who, while in violation of any of the Rules and Regulations adopted under this chapter, causes an injury to self or to another person or to any property whatsoever is deemed to be a public nuisance.
- (c) In addition to any other penalty prescribed by law, and pursuant to Government Code Section 37359, any person who violates any of the Rules and Regulations adopted pursuant to this chapter shall be a trespasser subject to all civil and criminal liability therefor.

(Ord. No. 2009-03, § 2, 8-12-2009)

## **Chapter 11 POLICE DEPARTMENT [\[1\]](#)**

### **Sections:**

[4-11.01 Chief of Police.](#)

[4-11.02 Law enforcement officer's training.](#)

### **4-11.01 Chief of Police.**

- (a) Office Created: There is hereby created a Police Department in the City which shall consist of a Chief of Police and as many employees as the City Council may designate from time to time based on recommendation by the Chief of Police for the safety and security of the Community and its Citizens.
- (b) Appointment and Removal: Unless otherwise directed by the City Council, the Chief of Police shall be appointed by the City Manager from a list of eligible candidates obtained through the City's normal recruitment procedures. The Chief of Police shall serve at the pleasure of the City Manager and may

## Title 4 PUBLIC SAFETY

be removed by the City Manager at any time thereafter, in accordance with the Personnel Manual of the City and, if applicable, any written contract entered into between the City Council and the Chief of Police.

- (c) **Supervision and Control:** The City Manager shall be the immediate supervisor of the Chief of Police and all policies, directives and orders from the City government to the Chief of Police shall be made by or transmitted through the City Manager as executive head of the City government. The Chief of Police shall report directly to the City Manager and not to the City Council or individual members thereof or to any other committee or commission.
- (d) **Powers and Duties:** The Chief of Police shall direct the administration and operations of the Police Department and, in addition to policies transmitted to him/her by the City Manager, shall establish other policies, directives, rules and regulations for the administration and operations of the Department as he/she sees fit. The Chief of Police shall serve as the employing authority for the appointment of any position within the Department, other than his/her own and shall have the power to suspend or dismiss any employee consistent with the provisions of the City Personnel Manual. Notwithstanding anything to the contrary, all positions with the Department shall be filled and/or vacated only after the consent and approval by the City Manager is obtained.
- (e) **Responsibilities:** The Chief of Police shall lead by professional example and by participating as a member of the City management team and shall organize the Police Department to accomplish this mission and shall coordinate and control the operations of major divisions within the Department as well as its relations with other law enforcement agencies. Other responsibilities shall include, but shall not necessarily be limited to, such activities as the review and evaluation of the Department toward meeting goals and objectives, planning for departmental needs and programs, including the preparation and submission of such budget material that may be required, providing advice and counsel to the City Manager on matters pertaining to law enforcement, providing information and maintaining external relations with the public.

(Ord. No. 2010-02, 5-27-2010)

### **4-11.02 Law enforcement officer's training.**

- (a) The City Council of the City of Avenal declares that it desires to qualify to receive aid from the State of California under the provisions of Section 13522, Chapter 1 of Title 4, Part 4 of the California Penal Code.
- (b) Pursuant to Sections 13510.1 and 13512 of said Chapter 1 the Avenal Police Department will adhere to the standards for recruitment and training established by the Commission on Peace Officer Standards and Training.
- (c) The Commission and its representatives may make such inquiries as deemed necessary to ascertain that the peace officer personnel of the Avenal Police Department adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

(Ord. No. 2010-02, 5-27-2010; Ord. No. 2010-05, 10-28-2010; Ord. No. 2010-07, 12-9-2010)

FOOTNOTE(S):

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## Title 4 PUBLIC SAFETY

**Editor's note—** Ord. 2010-02, adopted May 27, 2010, set out provisions intended for use as title 4, chapter 10, §§ 4-10.01, 4-10.02. At the editor's discretion, to prevent duplication of section numbers, these provisions have been included as title 4, article 11, §§ 4-11.01, 4-11.02. ([Back](#))