

**Title 8**  
**HEALTH AND SAFETY**

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**CHAPTER 8.01**  
**REGULATION OF FOOD ESTABLISHMENTS AND FOOD FACILITIES**

**Sections:**

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**8.01.010**     **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Chapter.

A. "Food Establishment" shall mean a food establishment as defined in the California Uniform Retail Food Facilities Law, Section 27520 of the California Health and Safety Code. These are commonly referred to as restaurants, markets, delis or similar operations.

B. "Food Facilities" shall mean a food facility as defined in Section 27521 of the California Health and Safety Code. These are commonly referred to as wholesale food facilities, vehicles, vending machines, satellite food distribution facilities, open-air barbecues, certified farmers markets, stationary food preparation units and mobile food preparation units. This definition also includes commercial food establishments.

C. "Enforcement Officer" shall mean the director of the County of Riverside Department of Environmental Health Services and his or her duly authorized Environmental Health Specialists.

D. "Food Preparation" shall mean food preparation as defined in section 27522 of the California Health and Safety Code.

E. "Official Inspection Form" shall mean the form provided by the County of Riverside Department of Environmental Health Services.

**8.01.020**      **GRADING.**

A. All food establishments and food facilities shall be inspected and graded uniformly using an official inspection form. The grade of each food establishment shall be determined by the Enforcement Officer using the scoring method provided on the Official Inspection Form. The grade of each food establishment shall be evidenced by the posting of a Grade Card bearing the letter / "A" 1 "BU or "C".

1. The letter "A" shall indicate a score of ninety percent (90%) or higher, and indicates that the food establishment passed the inspection by meeting those minimum health standards as set forth by the State of California in the California Retail Food Facilities Law, California Health and Safety Code, Chapter 4, Sections 27520, et seq., and interpreted by the Enforcement Officer. Grade "A" Cards shall be printed in blue on high-impact white styrene plastic.

2. The letter "E" shall indicate a score of less than ninety percent (90%), but not less than eighty percent (80%), and indicates that the food establishment has not passed the inspection and does not meet minimum health standards. Grade "E" cards shall be printed in green on high-impact white styrene plastic.

3. The letter "C" shall indicate a score of less than eighty percent (80%), and indicates that the food establishment has failed the inspection and has conditions existing which may pose a potential or actual threat to public health and safety. The facility may also be ordered closed, with its permit being suspended or revoked by the Enforcement Officer. Grade "C" cards shall be printed in red on high-impact white styrene plastic.

B. The grade card shall be provided by the enforcement officer and shall be nine inches by eleven inches (9" x 11") in size. The grade letter shall not be more than five (5") in height.

C. The grade card shall be posted in a conspicuous place selected by the enforcement officer, at or near each entrance to the food establishment used by its patrons, and shall be removed only by the enforcement officer.

D. It shall be unlawful to operate a food establishment unless the grade card is placed as posted by the enforcement officer.

E. Private schools and public schools shall not be required to post a grade card.

F. Food facilities and food establishments which are not engaged in food preparation shall not be required to post a grade card.

**8.01.030**      **INSPECTIONS.**

A. The enforcement officer shall inspect each food facility and food establishment at regular intervals. All food establishments and food facilities shall comply with those requirements set forth in the California Uniform Retail Food Facilities Law, as amended appearing in California Health and Safety Code Sections 27500, et seq.

B. A signed copy of the Official Inspection Form shall be delivered to the owner, operator, or person in charge of the food establishment or food facility who shall sign a receipt therefore.

C. Any food establishment or facility that has received a "B" or "c" grade shall receive a re-inspection within five (5) working days of the initial inspection, or as otherwise arranged with the facility operator, to assure that the violations have been corrected. The Grade "B" or "c" shall remain posted at the food establishment, indicating to the public that the particular food establishment failed to maintain minimum health standards during its most recent routine inspection performed by the Riverside County Department of Environmental Health Services.

D. If, after a re-inspection of the food establishment or facility, the score is not ninety percent (90%) or higher, any or all of the following legal actions may ensue:

1. Administrative hearing offered for the suspension or revocation of the licensed pursuant to Health and Safety Code Sections 27580, et seq.
2. Issuance of a citation.
3. Initiation of civil, criminal or other legal proceedings.

E. Notwithstanding the foregoing, the Enforcement Officer may order immediate closure of a facility or establishment pursuant to Health and Safety Code Section 27852 whenever he reasonably believes the facility or establishment to present an immediate danger to the public health or safety.

F. Any re-inspection following legal actions, other than one (1) re-inspection following an initial administrative hearing, will result in the operator being charged an hourly on-site fee.

**8.01.040**      **PERMITS.** No person shall operate a food establishment or facility without holding a valid permit issued by the County of Riverside Department of Environmental Health Services. Application for a permit shall be made to the County of Riverside Department of Environmental Health Services upon a form provided by the Department, and shall be accompanied by a fee as required by Riverside County Ordinance No. 640. A permit shall be valid for not more than one (1) year.

**8.01.050**      **CRIMINAL PENALTIES.**

A. Any person violating any provision of this Chapter shall be guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each day during which any violation of this Chapter is committed or allowed to exist.

B. Any individual convicted of a violation of this Chapter shall be:

1. Guilty of an infraction and punished by a fine of not less than fifty dollars (\$50.00), but not to exceed one hundred dollars (\$100.00) for the first offense.
2. Guilty of an infraction and punished by a fine of not less than one hundred dollars (\$100.00), but not to exceed two hundred dollars (\$200.00) for the second offense.
3. The third and any subsequent offense shall constitute a misdemeanor, and shall be punishable by a fine of not less than five hundred dollars (\$500.00), but not to exceed one thousand dollars (\$1,000.00) and/or six (6) months in the county jail, or both.

C. Notwithstanding the foregoing, a first or second offense may be charged and prosecuted as a misdemeanor.

D. Payment of any penalty herein shall not relieve an individual from the responsibility of correcting the violations as noted on the official inspection report form.

**8.01.060**      **PUBLIC NUISANCE DECLARATION.** In addition, any violation of this Chapter is hereby deemed to be a public health nuisance and may be abated by the enforcement officer, irrespective of any other remedy hereinabove provided.

**8.01.070**      **CIVIL PENALTIES.** Any person who willfully violates any provision of this Chapter or any other rules or regulations adopted by the County of Riverside Department of Environmental Health Services pursuant to this Chapter, in addition to any criminal penalties, shall be liable for a civil penalty of between fifty dollars (\$50.00) and two hundred fifty dollars (\$250.00) for each day of violation. The enforcement agency shall be authorized to file and maintain an action in a court of appropriate jurisdiction to collect any such civil penalty arising under this section.

**8.01.080**      **RIGHT OF INSPECTION.** Pursuant to California Health and Safety Code Section 27650, the enforcement officer shall have the right to inspect any food facility or establishment, or any facility suspected of being a food establishment or facility, at any reasonable time. If inspection is refused, the permit may be suspended or revoked, and/or the owner or operator shall be guilty of an infraction or misdemeanor offense.

**8.01.090**      **SEVERABILITY.** If any provision, clause, sentence or paragraph of this Chapter, or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of applications of the provisions of this Chapter which can be given effect without the invalid provisions of this Chapter which can be given effect without the invalid provision or application and, to this end, the provisions of this Chapter are hereby declared to be severable.

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**Chapter 8.04**  
**Food Handlers**

**Sections:**

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8.04.050	Food workers certification--Application
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8.04.090	Food workers certification--Revocation
8.04.100	Food workers certification--Appeal
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8.04.120	Violation--Penalty

**8.04.010**      **Purpose and intent.** It is the purpose and intent of this chapter to prevent the spread of infections and disease and to attain a uniform standard by requiring all food handlers in the City to demonstrate through process of examination that they possess an adequate knowledge of the sanitary principles and practice within the food industry. (Ord. 628 §2(part), 1986)

**8.04.020**      **Definitions.** As used in this chapter, the following word and phrases shall have the following meanings:

A. "Food worker's certificate" means a statement issued by the Health Officer certifying that a person is free from active communicable tuberculosis in a manner acceptable to the Health Officer, and has satisfactorily demonstrated his or her competency in food sanitation principles and practices.

B. "Food Worker's Manual" means the manual prepared and distributed to food handlers by the Health Officer that describes acceptable procedures and sanitary practices as it pertains to the retail food service industry.

C. "Health Officer" means the Health Officer of the City, or his designated representative. (Ord. 628 "2 (part), 1986)

**8.04.030**      **Food worker's certificate—Required.** No person shall engage or serve employment in any" work, occupation or employment which requires or occasions the handling of any food, liquid or material intended for food or drink for human consumption, who does not hold or produce a food worker's certificate as required by this Chapter within fourteen days after engaging or serving in such work, occupation or employment, and no owner, manager or agent of such owner, or person in charge of any establishment or business shall retain in the employ thereof for the performance of such services, any person who does not hold and produce a food worker's certificate as required by this Chapter within fourteen days after such person engages or serves in such employment. (Ord. 628 §.2(part), 1986)

**8.04.040**      **Food worker's certificate--Exemption.** Any person who engages or serves or seeks employment relating to domestic or household work or to temporary, occasionally or intermittent functions of bona fide religious, charitable or public service organizations, including fraternal organizations, veterans' organizations, established youth organizations, parent-teacher associations, or students in public or private schools under the age of sixteen engaged in school food operations, and civic or community organizations or groups, the primary purpose of which is the betterment of the cultural, social or economic welfare and environment of the community, shall be exempt from the provisions of Section 8.04.030. (Ord. 628 §2(part), 1986)

**8.04.050**      **Food worker's certificate--Application.** Any person who is engaged or intends to engage in an occupation or employment for which a food worker's certificate is required by Section 8.04.030 shall file with the Health Officer an application for such certificate or a renewal thereof in such form as the Health Officer may require, which application shall be accompanied by a nonrefundable fee of five dollars; provided, however, that students sixteen years of age or older engaged in school food operations are exempted from such. (Ord. 628 §2(part), 1986)

**8.04.060**      **Food worker's certificate--Qualification.** To qualify for the issuance or renewal of a food worker's certificate required by Section 8.04.030, the applicant shall have demonstrated his or her knowledge of acceptable practices in the sanitary preparation, service, storage, distribution and sale of food and beverages and the proper sanitation of equipment and facilities. Such demonstration of knowledge shall be by satisfactorily passing an examination conducted by the health officer on such subjects, based on the practices and procedures set forth in the Food Worker's Manual. A copy of the latest edition of the manual shall be made available by the health officer to those persons applying for a food worker's certificate or renewal thereof. (Ord. 628 §2 (part), 1986)

**8.04.070**      **Food worker's certificate--Issuance.** When qualified pursuant to Section 8.04.060, the applicant shall be issued a food worker's certificate containing the following information: certificate number, name, home address, expiration date and attesting signature. Such certificate shall expire two years after the date it was issued. (Ord. 628 §2 (part), 1986)

**8.04.080**      **Food worker's certificate--Duplicate.** A duplicate food worker's certificate, for good cause, may issued by the health officer for a fee of one dollar. (Ord. 628 §2 (part), 1986)

**8.04.090**      **Food worker's certificate--Revocation.** The food worker's certificate may be revoked by the health officer upon evidence indicating repeated or continuing violations of accepted practices and procedures in the preparation, service, storage, distribution, or sale of food or beverages, or upon evidence indicating falsification of information required for issuance of such certificate. (Ord. 6 28 § 2 (part), 1986)

**8.04.100      Food worker's certificate--Appeal.**

A. Any person who has an application for a food worker's certificate denied by the health officer, or who has had such a certificate revoked by the health officer, may appeal such denial or revocation by filing with the city clerk within ten days after the date of such denial or revocation, a written notice of appeal briefly setting forth the reasons why such denial or revocation is not proper. The clerk shall give notice of the time and place of the hearing to the applicant.

B. Such appeal shall be heard by the city council which may affirm, amend or reverse the decision or take such other action as it deems appropriate. In conducting the hearing, the city council shall not be limited by the technical rules of evidence. (Ord. 628 §2 (part), 1986)

**8.04.110      Food worker's certificate--Display.** Any person required to have a food worker's certificate shall immediately submit such certificate to his or her employer. It shall be the duty of every such employer to keep on continuous display at the place of employment the food worker's certificates of all such persons employed or engaged therein, and to display therewith a current list of all such persons therein engaged or employed for comparison with such certificates. Upon termination of employment, such unexpired certificate shall be returned to the holder. (Ord. 628 §2(part), 1986)

**8.04.120      Violation--Penalty.** Any person violating any of the provisions of this chapter is guilty of an infraction and upon conviction thereof shall be punished by a fine not exceeding fifty dollars for the first violation; a fine not exceeding one hundred dollars for the second violation within one year; a fine not exceeding two hundred fifty dollars for each additional violation within one year. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 628 §2(part), 1986)

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**Chapter 8.08**  
**WEEDS AND WASTE MATTER**

**Sections:**

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8.08.020	Waste matter--Defined--Declared a nuisance.
8.08.030	Notice to owner--Specifications.
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8.08.050	Appeal--Hearing--Decision by city council.
8.08.060	Removal of nuisance.
8.08.070	Failure by owner to remove--Abatement by city--Costs filed with city clerk.
8.08.080	Hearing on costs of abatement—Setting meeting.
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8.08.100	Filing of resolution.
8.08.110	Acceptance of payment before hearing.
8.08.120	Government Code provisions adopted—Entering assessment in county roll.
8.08.130	Violation--Penalty.

**8.08.010**      **Certain weeds a nuisance.**

A. All weeds, dry grasses, dead shrubs, dead trees, rubbish or any material growing upon the streets, sidewalks, or upon private property within the city, which by reason of their size, manner of growth and location constitute a fire hazard to any building, improvements, or other property, and weeds and grasses which, when dry, will, in the sole judgment of the fire chief, constitute such a fire hazard, are declared a public nuisance.

B. Cultivated and useful grasses and pastures shall not be declared a public nuisance. However, if the fire chief or his authorized representative determines it necessary to protect adjacent improved property from fire exposure, a fire-break may be required, as specified by the fire chief. (Ord. 385 §I, 1968)

**8.08.015**      **Property Maintenance Standards.**      Property owners and occupiers of real property in the City shall maintain their property to eliminate fire hazards. Whether by self-help or on order of the Fire Chief, property owners and occupiers shall maintain their properties in accordance with the following standards:

**A.**      Maintain a firebreak for the protection of structures by removing all flammable waste and materials (including wood piles) and growth around each structure for a distance of not less than 30 feet;

**B.**      Maintain a firebreak of at least 10 feet in all directions from liquefied propane (LP) gas tanks;

**C.**      Remove dead or dying trees, and remove the portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe;

**D.**      Keep roofs free of leaves and needles;



**E.** Maintain a non-flammable screen with openings of no more than half inch in size over the outlet of every chimney and stovepipe;

**F.** Parcels of 5 acres or less in size shall be mowed to a 3 inch-high stubble, or disked provided that such disking does not create fugitive dust emissions in violation of state air quality rules and that the owner takes all steps necessary to control fugitive dust emissions;

**G.** Parcels larger than 5 acres in size shall be mowed to a 3 inch-high stubble, or disked around the perimeter of the parcel in a swath 100 feet wide and with a 100 foot wide “crisscross” through the center of the parcel provided that such disking does not create fugitive dust emissions in violation of state air quality rules and that the owner takes all steps necessary to control fugitive dust emissions.

The Fire Chief is authorized to impose such additional requirements as may be necessary in order to ensure the abatement of an existing or potential fire hazard.” (Ord. 983, 11/16/2010)

**8.08.020 Waste matter—Defined—Declared a nuisance.**

A. Waste matter is defined for the purpose of this chapter as unused or discarded matter having no substantial market value, which is exposed to the elements and is not enclosed in any structure or otherwise concealed from public view, and which consists, without limitation or exclusion by enumeration, of such matter and material as:

1. Rubble, asphalt, concrete, plaster, tile;
2. Rubbish, crates, cartons, metal and glass containers;
3. Vehicle bodies and parts.

B. Waste matter as defined in subsection A of this section, which by reason of its location and character is unsightly and interferes with the reasonable enjoyment of property by neighbors, Or which would materially hamper or interfere with the prevention or suppression of fire upon the premises, or the abatement of a nuisance as defined in Section 8.08.010, is declared a public nuisance. (Ord. 385 §§2, 3, 1968)

**8.08.023 Enforcement, Inspection and Authority to Enter Property.**

A. **Fire Chief Designee.** For the purpose of enforcing or administering this Chapter, the Fire Chief may designate any person or persons as his/her deputy in the performance of duties imposed by this Chapter. (Ord. 983, 11/16/2010)

B. **Authority to Enter Property.** For the purpose of enforcing or administering this Chapter, the Fire Chief (or designee) may enter any real property for the purpose of inspecting the property or for summary abatement activities whenever the Fire Chief (or designee) is informed or has reasonable cause to believe that a fire hazard exists, constituting a condition dangerous and injurious to the health or welfare of persons or to the public, including the environment, or is otherwise in violation of this Chapter. No person shall interfere with the entry of the Fire Chief (or designee) acting in the official course and scope of his duty.” (Ord. 983, 11/16/2010)

**8.08.026 Summary Abatement Proceedings.** In addition to the authority granted by law to the Fire Chief in exigent situations, the Fire Chief (or designee) is authorized to enter real property and summarily abate any fire hazard including, without limitation, combustible vegetation, determined by the Fire Chief (or designee) to constitute an immediate threat to public health or safety, without prior notice or hearing. The Fire Chief (or designee) shall, thereafter, seek recovery of the cost of abatement." (Ord. 983, 11/16/2010)

**8.08.030 Notice to owner--Specifications.** If it is determined that a public nuisance exists on any lot or premises, or upon any sidewalk, parking or street adjacent to such lot or premises, the chief of the fire department shall cause a notice to be issued to abate such nuisance. Such notice shall be headed, "NOTICE TO CLEAN PREMISES" in letters not less than one inch in length and which shall, in legible characters, direct the abatement of the nuisance and refer to this chapter for particulars. Notices served by means other than posting as provided by this chapter shall contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance. (Ord. 385 §4, 1968)

**8.08.040 Notice to owner--Posting or service.** The notice required by Section 8.08.030 may be served in any of the following manners:

A. By personal service on the owner, occupant or person in charge or control of the property;

B. By regular mail addressed to the owner or person in charge and control of the property, at the address shown on the last available assessment roll, or as otherwise known;

C. By posting at a conspicuous place on the land or abutting public right-of-way and insertion of an advertisement at least once a week for the period of two weeks in a newspaper of general circulation in the city. The newspaper advertisement shall be a general notice that property in the city has been posted in accordance with the ordinance codified in this chapter and contain a general statement of the effect of such postings. The date of such newspaper advertisements shall not be considered in computing the appeal periods provided by this chapter. (Ord. 385 §5, 1968)

**8.08.050 Appeal--Hearing--Decision by city council.** Within ten days from the effective date of the ordinance codified in this chapter, as indicated by the fire chief, of posting, mailing or personal service of the required notice, the owner or person occupying or controlling such lot or premises affected may appeal to the city council. Such appeal shall be in writing and shall be filed with the city clerk. At the regular meeting or regular adjourned meeting of the city council, not less than five days nor more than twenty days thereafter, it shall proceed to hear and pass upon such appeal, and the decision of the city council thereupon shall be final and conclusive. (Ord. 454 §2, 1974; Ord. 385 §6, 1968)

**8.08.060 Removal of nuisance.** It shall be the duty of the owner, the agent of the owner, or the person in possession of any lot or premises in the city within ten days from the date of notification as provided in this chapter, or in case of an appeal to the city council, within ten days from the determination thereof, unless the same is sustained, to remove the nuisance as stated. (Ord. 385 §7, 1968)

**8.08.070 Failure by owner to remove--Abatement by city--Costs filed with city clerk.** If the owner fails or neglects to remove the nuisance as defined in this chapter, within the time specified in this ordinance, the chief of the fire department shall cause such nuisance to be abated. The abatement work may be done by the city crews or by private contractor. A report of the proceedings and an accurate account of the cost of abating the nuisance on each separate property shall be filed with the city council. (Ord. 385 §8, 1968)

**8.08.080 Hearing on costs of abatement--Setting meeting.** The city clerk shall thereupon set the report and account for hearing by the city council at the first regular or adjourned meeting which will be held at least seven calendar days after the date of filing, and shall post a copy of the report and account and notice of the time and place of hearing in a conspicuous place at or near the entrance of the Council Chambers in the City Hall. (Ord. 385 §9, 1968)

**8.08.090 Hearing on costs of abatement--Protests—Lien on property in form of resolution.** The city council shall consider the report and account at the time set for hearing, together with any objections or protests by any interested parties. Any owner of land or person interested therein may present a written or oral protest or objection to the report and account. At the conclusion of the hearing, the city council shall either approve the report and account as submitted, or as modified or corrected by the city council. The amounts so approved shall be liens upon the respective lots or premises, and the city council shall adopt a resolution assessing said amounts as liens upon the respective parcels of land as they are shown upon the last available assessment roll, and determining that such weeds, grasses, dead shrubs, and waste matter constitute a public nuisance. (Ord. 385 §10, 1968)

**8.08.100 Filing of resolution.** The city clerk shall prepare and file with the county auditor a certified copy of the resolution of the city council. (Ord. 385 §11, 1968)

**8.08.110 Acceptance of payment before hearing.** The city may accept payment of any amount due at any time prior to the city council hearing, as called for in Section. 8.08-.080. (Ord. 385 §12, 1968)

**8.08.120 Government Code provisions adopted—Entering assessment in county roll.** The provisions of Sections 39580 to 39585, inclusive, of the Government Code are incorporated by reference and made a part of this chapter. The county auditor shall enter each assessment in the county tax roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes; and if delinquent the amount is subject to the same penalties and procedure of foreclosure and sale as is provided for ordinary municipal taxes. (Ord. 385, § 13, 1968)

**8.08.130 Violation—Penalty** In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of \$1,000.00, or six (6) months in jail, or both. (Ord. 997, 5.3.11)

**Chapter 8.12**  
**MANDATORY SOLID WASTE COLLECTION AND DISPOSAL**

**Sections:**

8.12.010	Findings.
8.12.020	Payment for Mandatory Collection Service-Owner Responsibility.
8.12.025	Unauthorized Disposal - Penalty
8.12.030	Failure to Initiate Service or to Provide Sufficient Refuse Containers.
8.12.040	Exemption from Mandatory Service.
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8.12.060	Collection or Interference by Unauthorized Persons Prohibited.
8.12.070	Unlawful Acts.
8.12.080	Fees Established by Resolution Constitute Lien.
8.12.090	Violations-Penalties.

**8.12.010**      **Findings.**      The City Council makes the following findings:

- A. A considerable volume and variety of solid wastes are being generated in the City.
- B. Such wastes are creating conditions which threaten the public health, safety and well-being by potentially contributing to air, water, land pollution, and the general deterioration of the environment.
- C. The foregoing conditions arise from the interaction of a number of factors, including rapid population increase, decentralized urban growth, industrial expansion, transportation improvements, reduction in the number of landfills, and technological developments in the manufacturing, packaging, and marketing of consumer products.
- D. It is becoming increasingly necessary for the protection of the health, safety and welfare of the City's residents that solid waste be promptly and safely collected and disposed of in an orderly and efficient manner.
- E. It is also necessary to carefully control the collection and disposal of solid waste so that the reductions required to be made by Public Resources Code Section 40000 et seq. (AB 939) can be planned for and accurately measured. In light of the findings above made, it is the intent and desire of the City Council to establish a program of mandatory solid waste collection in the City. (Ord. No. 921, § 1, 11-20-07)

**8.12.020**      **Payment for Mandatory Collection Service-Owner Responsibility.**

- A. The owner of any dwelling or commercial unit shall subscribe to and pay for mandatory refuse collection service rendered to such dwelling or commercial unit by a City-licensed hauler and may be required to provide at a location accessible to such hauler, a container or containers of adequate capacity and functional design as determined by the hauler for the deposit of solid waste generated on the premises.
- B. Nothing in this section is intended to prevent an arrangement or the continuance of an existing arrangement, under which payments for refuse collection service are made by a tenant or tenants, or any agent, on behalf of the owner. However, any such arrangement shall not legally excuse the owner's obligation to the hauler or to the City under this Chapter. (Ord. No. 921, § 1, 11-20-07)

**8.12.023**      **Unauthorized Disposal—Prohibited**      No person shall deposit any debris, trash, or other personal property upon any other person's property or in any other person's trash bin or can without that person's permission. (Ord. 994, 04/19/2011)

**8.12.025**      **Unauthorized Disposal—Penalty.**

A. Any person violating the provisions of Section 8.12.023 may be issued a citation; provided, however, the remedies prescribed in this section are intended to be in addition to any other procedures or penalties prescribed by law.

B. Any person violating the provisions of Section 8.12.023 shall be guilty of an infraction, pursuant to the provisions of Government Code Section 36900 and the penalties provided therein, and upon conviction thereof, shall be punishable by a fine in the amount of \$100.00 for the first conviction, \$500.00 for the second conviction within one year, and \$1,000.00 for the third, and each additional, conviction within one year." (Ord. No. 934, §1, 4/1/08)

**8.12.030**      **Failure to Initiate Service or to Provide Sufficient Refuse Containers.**

A. When an owner or tenant fails to initiate adequate refuse collection service within fifteen (15) calendar days of occupancy of a dwelling or commercial unit, the City Manager or his/her designee shall give the owner written notification that such service is required. If service is not initiated within fifteen (15) calendar days from the date of mailing of the notice, then the City Manager or his/her designee may require the City-licensed hauler to initiate and continue solid waste collection service for the dwelling or commercial unit.

B. When, in the judgment of the City Manager or his/her designee, additional refuse containers are required, they may be provided by the hauler or, upon written notification by the City Manager or his/her designee, the owner may be required to provide such containers. The cost of any additional containers furnished by the hauler shall be added to the collection fees and collected in the same manner as the collection fees. (Ord. No. 921, § 1, 11-20-07)

**8.12.040**      **Exemption from Mandatory Service.**

A. Dwellings.

1. The owner of any dwelling may apply for exemption from mandatory collection service by submitting a written application on a form issued by the City Manager or his/her designee accompanied by a nonrefundable application fee, to the City Manager or his/her designee, requesting a permit to provide self-haul solid waste collection and disposal to a lawful landfill.

This permit, if approved, shall be valid for one (1) year, and must be renewed annually thereafter at the discretion of the City Manager or his/her designee upon submittal of a new application and deposit of application fees.

2. The form and content of the application shall be approved by the City Manager or His/her designee.

3. The owner may be granted an exemption provided he or she can adequately document that he or she can properly transport all solid waste generated on the premises, in a safe and sanitary manner, to an approved solid waste disposal facility. The owner shall furnish evidence, such as landfill receipts, of such delivery of waste at the time of the annual application for renewal of the exemption.

4. The application fee shall include an administrative fee of fifty dollars (\$50.00) in addition to a deposit equal to the cost of solid waste disposal services that would have been paid to the refuse hauler during the one-year period of exemption. At the conclusion of the year, upon submission of evidence that the exempted solid waste was lawfully disposed of during the year of exemption, the owner shall be entitled to a refund of the deposit.

5. Should the owner violate the provisions of this Chapter the City Manager or his/her designee may, upon advance written notice to the owner, revoke the exemption and require the owner to subscribe to and pay for refuse collection services provided by the City.

#### B. Commercial Units.

1. The owner of any commercial unit may apply for exemption from mandatory collection service by submitting a written application on a form issued by the City Manager or his/her designee accompanied by a nonrefundable application fee to the City Manager or his/her designee requesting a permit to provide self-haul solid waste collection and transportation. This permit, if approved, shall be valid for one (1) year, and must be renewed annually thereafter at the discretion of the City Manager or his/her designee upon submittal of application and deposit of application fees.

2. The form and content of the application shall be approved by the City Manager or his/her designee.

3. The owner may be granted an exemption provided he or she can adequately document that he or she can properly transport all solid waste generated on the premises, in a safe and sanitary manner, to an approved solid waste facility.

a. The vehicles and equipment to be used for transporting the waste shall be listed by the owner and made available for inspection by the City.

b. The vehicles used shall be suitable for transporting solid waste.

c. An account in good standing is maintained at one or more Riverside County disposal sites.

4. The City Manager or his/her designee may require the grantee to furnish evidence, such as landfill receipts, of such delivery of waste.

5. The application fee shall include an administrative fee of one hundred twenty-five dollars (\$125.00).

6. Should the grantee violate the provisions of this Chapter the City Manager or his/her designee may, upon advance written notice to the owner, revoke the exemption and require the owner to subscribe to and pay for City-provided refuse collection services. (Ord. No. 921, § 1,11-20-07)

**8.12.050 Hauler Entitled to Payment for Services Rendered.**

A. The City-licensed hauler shall be entitled to payment from the owner for services rendered and in the amounts as specified in a resolution or resolutions adopted by the City Council.

B. A failure to make timely payment for any service rendered by the hauler shall constitute a violation of this Chapter and be subject to the penalty provisions included in this Chapter. (Ord. No. 921, § I, 11-20-07)

**8.12.060 Collection or Interference by Unauthorized Persons Prohibited.** It is unlawful for any person other than the owner or occupant of the premises, or persons authorized by law to collect refuse within the City, to interfere in any manner with any receptacle containing recyclable waste, rubbish and/or garbage or the contents thereof, or to remove any such receptacle from the location where the same was placed by the owner thereof, or to remove the contents of any such receptacle. (Ord. No. 921, § I, 11-20-07)

**8.12.070 Unlawful Acts.** It is unlawful for any person:

A. To place, deposit or maintain any container for refuse of any kind or nature for the purpose of collection of such refuse unless the containers conform to specifications as may be prescribed by resolution.

B. To deposit or bury or cause or permit to be deposited or buried any garbage, rubbish or refuse of any description upon or in private property or any public street, alley or other public place.

C. To keep or permit to accumulate any garbage and/or rubbish for a longer time than may be reasonably necessary for the proper disposition of such garbage and/or rubbish, if such person has failed to notify the collector of such accumulation. (Ord. No. 921, § I, 11-20-07)

**8.12.080 Fees Established by Resolution Constitute Lien.** The fees provided for in this Chapter and by resolution shall constitute a lien assessed against the property in accordance with Division 4, Article 4, Chapter 6, Part 3 of the Health and Safety Code. (Ord. No. 921, § I, 11-20-07)

**8.12.090 Violations-Penalties.** It shall constitute an infraction for an owner to fail to sign up for or to timely pay for refuse collection service or to otherwise violate any provision of this Chapter and upon conviction of such violation shall be subject to a fine of one hundred dollars (\$100.00) for the first offense; two hundred dollars (\$200.00) for a second violation within a one-year period and five hundred dollars (\$500.00) for a third or subsequent violation within a one-year period. The additional remedies, penalties and procedures for violations and for recovery of costs related to enforcement provided for in Chapter 1.16 of the Beaumont Municipal Code are incorporated into this Chapter by this reference. The owner shall also be subject to court action to pay for trash collection service furnished to the property, residence or business located thereon. (Ord. No. 921, § I, 11-20-07)

**CHAPTER 8.14**  
**MANDATORY RECYCLING REQUIREMENTS FOR COMMERCIAL FACILITIES**

**Section:**

8.14.010	Purpose
8.14.020	Definitions
8.14.030	Recycling Requirements for Commercial Facilities

**8.14.010**     **Purpose.** The purpose of this Chapter is to establish requirements for the recycling of recyclable materials generated from commercial facilities. These requirements are intended to increase the diversion of recyclable materials from landfills, conserve capacity and extend the useful life of landfills utilized by the City, reduce greenhouse gas emissions, and avoid the potential financial and other consequences to the City of failing to meet State law diversion requirements. (Ord. 976, 10/5/2010)

**8.14.020**     **Definitions.**

- A.**     **“Commercial facilities”** means any facilities that are not solely residential in nature, and include mixed-use residential facilities, and retail, commercial and industrial facilities. “Commercial facilities” includes City buildings.
- B.**     **“Recyclable materials”** means plastic bottles and jars, glass containers, paper, newspaper, metal, cardboard, wood, wood pallets, and food waste. (Ord. 976, 10/5/2010)

**8.14.030**     **Recycling Requirements for Commercial Facilities.**

- A.**     Owners, landlords, tenants and occupants of commercial facilities, jointly or severally, shall recycle recyclable materials by depositing the same in recycling containers provided by the City’s designated recyclable materials waste hauler.
- B.**     Occupants of commercial facilities shall designate, for the convenience and use of occupants’ employees and independent contractors, recycling collection and storage areas and shall place appropriate signs in and in the proximity of such areas.
- C.**     Occupants of commercial facilities shall ensure that their employees and independent contractors are educated about recycling services available at the site. Information, including the types of recyclable materials accepted, the location of recycling containers, and the employees’ responsibility to recycle shall be distributed periodically, and all new employees when hired, and independent contractors when retained, shall also be given such information and instruction. All employees and independent contractors shall also be given appropriate information and instructions concerning any change in recycling services to the commercial facility. (Ord. 976, 10/5/2010)



**Chapter 8.16**  
**BURNING**

**Sections:**

- 8.16.010 Unlawful to burn--Exceptions.  
 8.16.020 Unlawful to deposit combustible materials after certain time period.  
 8.16.030 Amendment by resolution.  
 8.16.040 Violation—Penalty

**8.16.010 Unlawful to burn--Exceptions.** It is unlawful for any person, firm or corporation to burn by fire any material of any nature other than in a stove or other suitable burning receptacle located entirely within a residence or other building structure; except between the hours designated by the City Council and in no event during any time that a wind of over ten miles per hour is blowing in the vicinity of such burning; provided, however, any person, firm or corporation desiring to burn tree trimmings, brushing or other materials attached to the soil or otherwise, and incapable of placing in an incinerator or other burning receptacle, shall first obtain a fire permit from the Fire Chief of the City, or his duly authorized agent. The permit is to be in form prescribed by the Fire Chief, and will be issued for a period not to exceed thirty days. (Ord. 384 ½ 1 (part), 1968)

**8.16.020 Unlawful to deposit combustible materials after certain time period.** It is unlawful for any person, firm or corporation to place, deposit, or leave for any reasonable length of time (twenty-four hours or more shall be deemed to be an unreasonable length of time) any refuse material of a combustible nature of any kind in or upon any street, alley, yard, lot or any public or private place in such quantities or in such manner as may become a fire hazard, and any such person, firm or corporation placing, depositing or leaving any such refuse material in any such place in any such quantities, or in such manner as may become a fire hazard, shall remove the same as soon as reasonably possible, and in the event, shall cause the same to be removed immediately upon being so advised by the Fire Chief of the City, or his authorized agent, shall take such steps as may be necessary to remove the same, and charge the cost thereof to the person, firm or corporation responsible therefore, which shall thereupon become a civil obligation, the collection which shall be enforceable at law. (Ord. 384 §1 (part), 1968)

**8.16.030 Amendment by resolution.** This chapter may be amended and/or modified to provide for the further or different regulation of the burning of materials in the city, and the obtaining of a permit therefore, by resolution of the city council. (Ord. 384 §4, 1968)

**8.16.040 Violation--Penalty.** Any person or persons violating any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in the city or county jail not exceeding three months, or by both such fine and imprisonment. (Ord. 384 §2, 1968)

**Chapter 8.20**  
**ABANDONED VEHICLES**

**Sections:**

8.20.010	Scope of Article.
8.20.020	Findings and Declarations.
8.20.030	Definitions.
8.20.040	Abandoned Vehicles Hearing Board-Established Membership.
8.20.050	Presumption of an Abandonment.
8.20.060	Exception.
8.20.070	Regulations Supplemental.
8.20.080	Administration and Enforcement.
8.20.090	Right to Enter on Private Property.
8.20.100	Fixing Administrative-Costs.
8.20.110	Abatement and Removal-Authority.
8.20.120	Abatement and Removal-Notice of Intention.
8.20.1.30	Abatement and Removal-Request for Public Hearing.
8.20.140	Abatement and Removal Conduct of Public Hearings Decision.
8.20.150	Abatement and Removal Appeals.
8.20.160	Abatement and Removal-When.
8.20.170	Abatement and Removal-Notice and Transmittals Department of Motor Vehicles.
8.20.180	Abatement and Removal-Assessment of Costs of Landowners.
8.20.190	Penalties.
8.20.200	Judicial Review.
8.20.210	Severability.
8.20.220	Gender and Number.

**8.20.010**     **Scope of Article.** This Chapter deals with the abatement and removal of abandoned, wrecked, dismantled or inoperative vehicles on private public property, not including highways, and adopts a Vehicle Abatement Program pursuant to California Vehicle Code, Sections 22660-et seq. The authority and procedure for abating and removing abandoned vehicles from highways is contained in the California Vehicle Code. The actions and remedies set forth herein are to be considered as alternatives to all other proceedings authorized by the Beaumont Municipal Code or otherwise by law. The determination as to which alternative action or remedy shall be applied in a particular case shall be made by the *City* in its discretion based on the facts and circumstances of the particular case. (Ord. 634, 1986; Ord. 718, 1993)

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

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property, not including highways, is 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 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 an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter. (Ord. 634, 1986)

**8.20.030**      **Definitions.** As used in this Chapter:

A. 'Highway' means a way or place of whatever nature, publicly maintained or open to the use of the public for purposes of vehicular traffic. 'Highway' includes 'street'.

B. 'Inoperative' includes, but is not limited to, a vehicle which *is* not currently and validly registered for operation or use on the highways and streets in the state as required under the provisions of Division 3 (commencing at Section 4000 et seq.) of the Vehicle Code of the State.

C. '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 roll.

D. 'Owner of the vehicle' means the last registered owner and the last legal owner of record.

E. 'Public property' does not include 'highway'.

F. '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. (Ord. 634, 1986; Ord. 718, 1993)

**8.20.040**      **Abandoned Vehicles Hearing Officer.** The Abandoned Vehicle Hearing Officer shall be the City Manager or his designee. (Ord. 634, 1986; Ord. 718, 1993)

**8.20.050**      **Presumption of an Abandonment.** Any vehicle or part thereof left parked or stored on public property for a period in excess of 72 hours shall be presumed to be abandoned. Any vehicle left, parked or stored on private property for a period in excess of twenty-one days shall be presumed to be abandoned. These are rebuttable presumptions. (Ord. 634, 1986)

**8.20.060**      **Exception.** This Chapter shall not apply to:

A. 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.

B. 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; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code, and this Chapter. (Ord. 634, 1986)

**8.20.070**      **Regulations Supplemental.** This Chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative 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. 634, 1986)

**8.20.080**      **Administration and enforcement.** Except as otherwise provided herein, the provisions of this Chapter shall be administered and enforced by the Chief of Police or by any employee or employees of the City appointed by him and acting under his direction provided that the Chief of Police shall file a written confirmation of appointment with the City Clerk. In the enforcement of this Chapter, such persons charged with administration and enforcement may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter, provided written permission or a proper warrant has been obtained. (Ord. 634, 1986; Ord. 718, 1993)

**8.20.090**      **Right to enter on private property.** 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 a nuisance pursuant to this Chapter, provided written permission or a proper warrant has been obtained. (Ord. 634, 1986; Ord. 718, 1993)

**8.20.100**      **Fixing Administrative Costs.** The City Council shall from time-to-time by resolution 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. (Ord. 634, 1986)

**8.20.110**      **Abatement and Removal-Authority.** Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property within the City, the Public Safety Director or his designated representative shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. (Ord. 634, 1986)

**8.20.120 Abatement and Removal-Notice of Intention.** A ten (10) day notice of intention to abate and remove the vehicle or parts thereof, as a public nuisance, shall be mailed by the Chief of Police or his designated representative via registered mail to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership, and 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. The form of the notice shall be such as is prescribed by the Chief of Police or his designated representative, and approved by the City Attorney, and 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 his reasons for such denial, in lieu of appearing. However, the notice of intention is not required for removal of a vehicle or part thereof which is located upon a parcel that is zoned for agricultural use or is not improved with a residential structure containing one or more dwelling units, and 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) by a person specified in Section 22855 of the California Vehicle Code, and is determined 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 Section 22662 of the California Vehicle Code of such a low-valued vehicle or part for which evidence of registration was recovered pursuant to subdivision (a), the Chief of Police or his designated representative 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 12 days after the notice is mailed, from a location specified in Section 22662, final disposition may proceed and the City or a contractor of the City shall not be liable for damage caused to a vehicle or part thereof removed pursuant to such section. (Ord. 634, 1986; Ord. 718, 1993)

**8.20.130 Abatement and Removal-Request for Public Hearing.**

A. Upon request by the owner of the vehicle or owner of the land received by the Chief of Police or his designated representative within ten (10) days after the mailing of the notices of intention to abate and remove, a hearing shall be held by the Abandoned Vehicle Hearing Officer established pursuant to Section 8.20.040 on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the 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 his land within such ten (10) day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed by the Chief of Police or his designated representative via registered mail at least ten (10) days before the hearing date 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 or unless ownership records are no longer available through the Department of Motor Vehicles.

C. If such a request for a 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 hearing, upon the written order of the Chief of Police or his designated representative, a copy of which order shall be filed with the City Clerk, provided written permission or a proper warrant has been obtained.

**8.20.140      Abatement and removal - Conduct of hearings Decision.**

A. All hearings under this Chapter shall be held before the Abandoned Vehicle Hearing Officer who shall hear all facts and testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The Hearing Officer shall not be limited by the technical rules of evidence, however, the hearing shall be conducted formally, all testimony shall be sworn testimony, and the hearing shall be recorded. The owner of the land may appear in person at the hearing or present a sworn, written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

B. The Hearing Officer may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this Chapter. The Hearing Officer may delay the time for removal of the vehicle or parts thereof if, in his opinion, the circumstances justify it. At the conclusion of the hearing, the Hearing Officer may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property, and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site, and a copy shall be filed with the City Clerk.

C. If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the Hearing Officer shall not assess the 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 such owner of the land.

D. If the owner of the land submits a sworn, written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the Hearing Officer but does not appear, he shall be notified in writing of the decision.

E. If the Hearing Officer finds that the property owner did not consent or subsequently acquiesce to the presence of the vehicle or parts thereof, then the vehicle owner may be assessed for the costs of removal.

F. If the vehicle or parts thereof is on public property, the owner of the vehicle may be assessed for the costs of removal. (Ord. 634, 1986; Ord. 718, 1993)

**8.20.150 Abatement and removal - Appeals.**

A. Any interested party may appeal the decision of the Abandoned Vehicle Hearing Officer by filing a written notice of the appeal with the Hearing Officer within seven (7) days after his decision.

B. Such appeal shall be heard by the City Council which may affirm, amend or reverse the order, or take any other action which may be deemed appropriate.

C. The City Clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 8.20.120.

D. In conducting the hearing, the City Council shall not be limited by the technical rules of evidence, however, the hearing shall be conducted formally, all testimony shall be sworn testimony, and the hearing shall be recorded. The decision of the Council shall be final and conclusive and shall be a written decision which shall be served upon all interested parties by registered mail. The written decision shall contain a notice that judicial review, if desired, must be sought within the 90day time limit set forth in California Code of Civil Procedure, Section 1094.6. (Ord. 634, 1986; Ord. 718, 1993)

**8.20.160 Abatement and removal-When.** Ten (10) days after the latter of 1) the adoption of the order declaring the vehicle or parts thereof to be a public nuisance, 2) the date of mailing of notice of the decision if such notice is required by Section 8.20.140 or 3) the action of the Council authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable, unless it is a vehicle which qualified for either horseless carriage license plates or historical vehicle licenses plates pursuant to California Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable. (Ord. 634, 1986)

**8.20.170 Abatement and Removal-Notice and Transmittals 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 parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. (Ord. 634, 1986)

**8.20.180 Abatement and Removal - Assessment of Costs of Landowners.** If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 8.20.140 are not paid within thirty (30) days of the date of the order or the final disposition of an appeal there from, 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. Said assessment shall have the same priority as other City taxes. (Ord. 634, 1986)

**8.20.190 Penalties.**

A. It is unlawful for any person who has previously had any vehicle owned by him or placed on his land abated in accordance with the provisions of this Chapter, excepting the owner of land exonerated pursuant to Section 8.20.140C, to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof, which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property not including highways within the City unless such vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in conjunction with a business of a licensed dismantler, licensed vehicle dealer, or a junkyard.

B. It is unlawful for any person to fail or to refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle, or part thereof, or to refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Chapter. (Ord. 634, 1986)

C. Any violations as set forth in subsections A and B of this Section 1.16.030 and 1.16.040 of the Beaumont Municipal Code shall apply. (Ord. 639 §1, 1987)

**8.20.200 Judicial Review.** California Code of civil Procedure, Section 1094.6 is hereby adopted and made applicable to any judicial review of any decision made by the City or its Vehicle Abatement Hearing Officer, agents, representatives or employees under this Chapter. (Ord. 718, 1993)

**8.20.210 Severability.** If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held unconstitutional or otherwise invalid, such decisions shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted this Chapter, and each section, subsection, clause, sentence and phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses, sentences or phrases be declared unconstitutional or otherwise invalid. (Ord. 718, 1993)

**8.20.220 Gender and Number.** Any reference to the masculine shall include the feminine and any reference to the feminine shall include the masculine. Any reference to the singular shall include the plural and any reference to the plural shall include the singular. (Ord. 718, 1993)



**Chapter 8.24**  
**OIL AND GAS WELLS**

**Sections:**

8.24.010	Definitions.
8.24.020	Drilling prohibited.
8.24.030	Violation--Penalty.

**8.24.010**      **Definitions.** For the purposes of this Chapter, the words set out in this Section shall have the following meanings:

A. "Derrick" means any structure, improvement, equipment, or facility, whether movable or affixed to the land, and each and every part of any thereof, whether completed or not, and which is or are required, or used or useful for or in connection with drilling and/or operating, and/or maintaining a well for the production of oil, gas or other hydrocarbons from the earth, together with all parts of and appurtenances to such structure, improvement, equipment, or facility, including, but not limited to, any foundations and sills therefore, tower, pump houses, engine houses or housings, boiler, boiler plants, piperacks, postings, walkways, mud ditches, bull-wheels, calf-wheels, band-wheels and crown block.

B. "Erect" means and includes to build, construct, install, assemble, put together, improve, alter, move, reconstruct, restore, renovate, renew or repair any building, structure, improvement or facility, or any part thereof.

C. "Well" or "oil well" means a well or hole' drilled into the earth for the purpose of exploring for or extracting from the earth, oil, gas and/or other hydrocarbon substances, and/or a well or hole in the earth by means of and through which oil, gas and other hydrocarbon substances are extracted or produced from the earth, and in addition to such hole in the earth, the term "well" or "oil well" means and includes all permanent well casing, required to be used or used in connection with drilling, operating and/or maintaining such hole, and extracting or producing oil, gas and/or other hydrocarbon substances from the earth. (Ord. 264 §1, 1952)

**8.24.020**      **Drilling prohibited.** It is unlawful and a nuisance to drill any oil or gas well or well-hole, or to erect any derrick or equipment for such purpose in or upon any real property in the City. (Ord. 264 §2, 1952)

**8.24.030**      **Violation--Penalty.** Every person, whether a principal, agent, servant, employee, or otherwise, violating any of the provisions of this Chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding three hundred dollars or by imprisonment not exceeding three months, in the City or County jail, or by both such fine and imprisonment; and every such person shall be deemed guilty of a separate offense for each day during any portion of which the violation of any of the provisions of this Chapter is committed, continued or permitted. (Ord. 264 §3, 1952)

**Chapter 8.28**  
**HANDBILL DISTRIBUTION**

**Sections:**

- 8.28.010 Prohibited acts.  
8.28.020 Violation--Penalty.

**8.28.010 Prohibited acts.** No persons shall distribute or throw upon any street, alley or public place or upon any private yard, lawn, driveway, sidewalk, porch or steps of any residence or upon or in any part of any structure or upon any vacant property or in any letter box in the City any advertising sample, handbill, dodger, circular, booklet or other notice of commercial advertising, to which the resident has not heretofore subscribed; provided, that nothing in this section shall prohibit the distribution and delivery of any newspaper which is capable of being entered as second-class matter under the provisions of the United States Post Office regulations, and other United States Statutes; and that nothing contained in this Chapter shall be deemed to prohibit or otherwise regulate the delivery of any such matter by the postal service. (Ord. 436 §1, 1972)

**8.28.020 Violation—Penalty** In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of \$1,000.00, or six (6) months in jail, or both. (Ord. 997, 5.3.11)

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**CHAPTER 8.32**  
**NUISANCES**

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**8.32.000 Definitions.** For purposes of this Chapter, words and phrases designated herein shall have the following meaning;

"Fire Chief" means the Chief of the Riverside County Fire Department providing fire protection services to the City, and his authorized agents, assistants, deputies or representatives. "Police Chief" means the Chief of the Police Department of the City of Beaumont, California, and his authorized agents, assistants, deputies or representatives.

"City" means the City of Beaumont, California.

"City Council" means the City Council of the City of Beaumont, California.

"Director" means the City's Director of Community Development, and his authorized agents, assistants, deputies or representatives.

"Health Officer" means the official of the City or the County responsible for the enforcement of laws, ordinances, rules and regulations of the State, County and City relating to the public health, sanitation, food handling and environmental health including his authorized agents, assistants, deputies or representatives.

"City Manager" means the City Manager of the City of Beaumont, California, and his authorized agents, assistants, deputies or representatives.

"Public Nuisance" means any act or condition defined in Civil Code, Section 3480, including, but not limited to, the acts or conditions more particularly described below in Sections 8.32.030 through 8.32.270.

"Premises" means any building, structure, wall, fence, property, lot, setback, yard, or any portion thereof.

**8.32.005**      **Statement of Purpose.**      The purpose of this Chapter is to safeguard life, health, property, and the public welfare within the City as follows:

- A. By delineating premises maintenance standards, and
- B. By providing procedures for abatement of sub-standard conditions in a manner which affords due process to affected premises owners.

In setting and enforcing such standards, the City seeks to secure such benefits as the appreciation of property values, physical improvement of residential areas, attraction of investors of capital to residential and commercial zones, increase in commercial trade, maximum use of property for its highest and best use, and an increase in the tax base of the City.

**8.32.007**      **Summary Abatement Power.** Whenever this Code or any provision of law authorizes the City Manager or any other City code enforcement officer to declare a public nuisance, the City Manager or designee shall be consulted for approval to summarily abate by any reasonable means and without notice or hearing when immediate action is necessary to preserve or protect the public health or safety because of the existence of a dangerous condition or imminent threat to life, safety or health, on public or private property. Summary abatement actions shall not be subject to the notice and hearing requirements of this Chapter, and a City code enforcement officer, with City Manager approval, shall not be prohibited from summary abatement actions after initiation of due process proceedings pursuant to this Chapter if immediate action at any time becomes necessary to preserve or protect the public health or safety. Summary abatement shall be limited to those actions which are reasonably necessary to immediately remove a threat.

In the event a public nuisance is summarily abated, the City Manager or other code enforcement officer may keep an account of the cost of abatement and bill the property owner therefor. If the bill is not timely paid, the officer may proceed to obtain a special assessment and lien against the owner's property in accordance with the procedures set forth in this Chapter." (Ord. 1034, 5.7.13)

**8.32.010**      **Relation with Other Chapters of Municipal Code.** The actions and remedies set forth herein are to be considered as alternatives to all other proceedings authorized by the Beaumont Municipal Code or otherwise by law. The determination as to which alternative action or remedy shall be applied in a particular case shall be made by the City in its discretion based on the facts and circumstances of the particular case.

**8.32.020**      **Declaration of Nuisances Generally.** It shall be unlawful for any person who owns, leases, rents, occupies, has charge of, or possesses any premises in the City to maintain, or allow the maintenance of, on such premises any public nuisance.

**8.32.025**      **Littering on Public Property.** It shall be unlawful for any person who owns, leases, rents, occupies, has charge of or possesses any premises in the City to deposit litter originating from such premises into any gutter, or onto any sidewalk, driveway, street, parking lot or other public place by means of leaf blowers, water hoses, rakes or brooms. "Litter" is defined as used, unused or discarded matter or material having no substantial market value

and which consists of such matter and material as rubbish, refuse, debris, paper, lawn, leaf and landscape trimmings and clippings. The littering of public property in the manner described is declared a public nuisance. (Ord. No. 823, § I, 3-5-02)

**8.32.030 Refuse and Waste.** "Refuse and waste matter" is defined for the purpose of this Chapter as unused or discarded matter or material having no substantial market value, and which consists of such matter and material as rubbish, refuse, debris, and matter of any kind, including, but not limited to, rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal and other pieces of metal, ferrous or nonferrous, furniture or parts thereof, trimmings from plants or trees, cans, bottles and barrels. Refuse and waste matter as defined which by reason of its location and character is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community, or which would materially hamper or interfere with the prevention or suppression of fire upon the premises is declared a public nuisance.

**8.32.035 Portable Basketball Hoops.** Portable basketball hoops placed on public rights-of-way including, but not limited to, streets, alleys and sidewalks, whether temporarily or otherwise, are declared a public nuisance. (Ord. No. 847, § 1,9-16-03)

**8.32.040 Unsanitary Animals.** Any animals, fowl, or birds which, with concurrence of the City's Animal Control Officer, are kept or permitted to be kept in foul, offensive, obnoxious, filthy or unsanitary conditions on any premises are declared a public nuisance.

**8.32.050 Sewage on Ground.** It is declared a nuisance to permit any part of the contents of any privy, vault, cesspool, septic tank, water closet, urinal, pipe, sewer line, or any sewage, slop water or any other filthy water, matter or substance, to flow or discharge upon the ground or upon the surface of any premises, or in any public street or other public place.

**8.32.060 Building Code Violations.** All premises, both permanent and temporary, including, but not limited to, buildings, structures, or appendages, maintained in violation of the uniform building codes adopted by the City pursuant to Sections 15.04.010, 15.08.010, 15.12.010, 15.16.010, 15.17.010 and 15.20.010 of the Beaumont Municipal Code, or subject to any of the following conditions, are declared a public nuisance.

A. Faulty weather protection including, but not limited to, crumbling, cracked, missing, broken, or loose exterior plaster or other siding, roofs, foundations or floors, broken or missing windows or doors, or unpainted surfaces causing dry-rot, warping, or termite infestation.

B. Buildings or structures, or parts thereof, not completed within a reasonable time as per the determination of the City's Chief Building official and for which the permit for such construction has expired.

C. Unoccupied buildings which have been left unlocked or otherwise open to or unsecured from intrusion by persons, animals or the elements or which are boarded up by a method or material not approved by the City.

D. Fences or walls in a hazardous condition or which are in disrepair, or which hinder free access to public sidewalks.

E. Broken windows constituting hazardous conditions or inviting trespassers.

**8.32.070**      **Zoning Ordinance Violations.** Any premises, including, but not limited to, any building, sign or other structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of the City's zoning ordinance, as amended, and any use of premises, including, but not limited to, land or building, established, conducted, operated or maintained contrary to the provisions of the City's zoning ordinance, as amended, is declared a public nuisance. Any and all uses not expressly permitted in the City's zoning ordinance, as amended, are not permitted, and are declared a public nuisance.

**8.32.080**      **Graffiti.** Graffiti which is visible from adjacent premises or from a public street or right-of-way is declared a public nuisance.

**8.32.090**      **Polluted Water.** "Polluted water" is defined for the purpose of this Chapter as water contained in a swimming pool, pond, or other body of water, which contains any of the following: organic matter conducive to bacterial growth including algae, remains of insects, remains of deceased animals, reptiles, rubbish, refuse and waste matter, debris, papers, or any other foreign matter or material which, because of its nature or location, constitutes an unhealthful, unsafe or unsightly condition. Any swimming pool, pond or other body of water, which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted as defined, is declared a public nuisance.

**8.32.100**      **Stagnant Water.** Any premises maintained so as to cause the accumulation of stagnant or still water, or any other condition which harbors and breeds mosquitoes or any other poisonous or objectionable insect is declared a public nuisance.

**8.32.105**      **Improper Slope Maintenance.** The ponding of surface water at or near the top of a slope so as to cause saturation of the ground and subsequent weakening of the slope, or the spilling of storm water or the disposal of water from swimming pools, ornamental ponds, waterfalls, and similar facilities over the top of a slope, either directly onto the ground or onto adjacent premises unless directed into an approved terrace drain facility, or the maintenance of slope vegetation in such a condition as to cause erosion or failure of a slope, or the lack of slope vegetation necessary to prevent slope erosion or failure, or rodent burrows in and near the top of a slope which, because of their depth and number, cause saturation and weakening of the slope and area near the top of the slope, are declared a public nuisance.

**8.32.110**      **Insects, Vermin.** Any premises, including, but not limited to, any building, vacant lot, setback, yard, vehicle, or place, maintained in such a manner as to permit the breeding or harboring therein or thereon of flies, bedbugs, cockroaches, black widow spiders, lice, fleas, termites or any other insects or vermin is declared a public nuisance.

**8.32.115**      **Outdoor Displays/Storage of Merchandise.** Any outdoor display or outdoor storage of merchandise for sale which is offensive to the senses, or harbors therein or thereon flies, bed bugs, cockroaches, black widow spiders, lice, fleas, or Any other insects or vermin is declared a public nuisance.

**8.32.120**      **Noisy Animals.** Any animal or fowl kept, maintained or permitted to remain on any premises which by any sound or cry disturbs the peace and comfort of any neighborhood, or interfere with one or more persons in the reasonable and comfortable enjoyment of life and property is declared a public nuisance.

**8.32.130 Tree Trimmings.** Accumulations of limbs, branches, prunings, trimmings, stumps and parts of domestic or cultivated fruit trees, cut, removed, fallen or severed from such trees are declared a public nuisance.

**8.32.135 Landscaping and Vegetation.** Landscaping and vegetation, including lawns and lawn areas, plants, bushes, shrubs, trees and other landscaping, shall be maintained; provided, however, that any dead, dying, decayed or diseased landscaping, vegetation or portions thereof is declared a public nuisance and shall be removed. (Ord. No. 823, § I, 3-5-02)

**8.32.140 Infested Trees or Shrubs.** Any commercially cultivated fruit tree or ornamental tree or shrub infested with red, yellow, or black scale, mistletoe, mealy bug or other insect pests or diseases detrimental to agricultural crops, as determined by the Riverside Agricultural Commissioner, is declared a public nuisance. (Ord. No. 823, § I, 3-5-02)

**8.32.150 Privies.** Any privy vault maintained in violation of this Code is declared a public nuisance.

**8.32.160 Unlawful, Unsafe, or Out-of-Date Signs.** Every sign or advertising structure subject to any of the following conditions is declared a public nuisance.

A. The sign or advertising structure was unlawfully erected on public or private property, or declared to be hazardous or unsafe by the Director.

B. The sign or advertising structure advertises or is related to events which have already taken place.

C. The sign was legally erected, but its use has ceased, or the structure upon which the display is placed has been abandoned by its owner, not maintained, or not used to identify or advertise an ongoing business for a period of ninety (90) days or more.

D. The sign was legally erected, but has not been maintained in a safe, presentable and structurally-sound condition. "Maintenance" includes the replacement of broken parts and defective wiring and ballasts, such that signs are capable of being fully illuminated and legible. "Maintenance" also includes keeping signs clean, painted and legible, repairing and replacing the face(s) thereof to eliminate holes, cracks and other visual defects. "Maintenance" also includes the removal of signs advertising former businesses and tenants.

E. Signs legally erected which later become nonconforming as a result of the adoption of an ordinance on which the amortization period provided by the ordinance or other law has expired, and for which conformance has not been accomplished.

F. Any sign in violation of Chapter 17.61 of the Beaumont Municipal Code. (Ord. No. 823, § I, 3-5-02)

**8.32.170 Obstructions to Water.** Any structure, fence, conduit, wall, tree, masonry, pipe, lumber, or other material or manner of maintenance which obstructs or constitutes a hazard to the free flow of water through a stream, drainage channel, watercourse, or terrace drain, down drain, catch basin or other drainage facility is declared a public nuisance.



**8.32.180**      **Premises Maintenance.** Maintenance of premises in such a condition so as to cause significant diminution in use, enjoyment, or value of adjacent premises; or in such a condition so as to be detrimental to the public health, safety, or general welfare; or in such a condition so out of harmony or conformity with the maintenance standard of adjacent premises as to cause substantial diminution of the enjoyment, use or property values of such adjacent premises is declared a public nuisance.

"Premises Maintenance" shall mean and include, but is not limited to:

- A. The removal of graffiti.
- B. Maintaining the painted surfaces of buildings and structures in good condition. For purpose of this subsection, "good condition" means that the painted surface is devoid of unsightly cracking, fading, peeling or blistering.
- C. Repairing or replacing broken, rotted, or crumbling fences.
- D. Maintaining driveways, the approaches thereto and sidewalks, including public sidewalks adjacent to the premises, free of any holes or potholes, and cracks and other defects having a width or height of three-quarters (1/4) of an inch or more.
- E. Repair or replacement of broken windows, or broken or damaged doors and gates that constitutes a safety hazard or invitation to trespassers or vagrants.
- F. The repair or replacement of exterior stairs, porches, balconies and hand railings.
- G. The repair or replacement of awnings, when substantially faded or when ripped.
- H. The maintenance of landscaping, including lawn areas, plants, shrubs and trees, and if dead or diseased, the removal thereof. (Ord. No. 823, § I, 3-5-02)

**8.32.185**      **Improper Grading or Excavation.** Land, the topography, geology or configuration of which, as a result of grading or excavation operations, causes erosion, subsidence or surface water runoff problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent premises, is declared a public nuisance.

**8.32.190**      **Smoke and Soot.** Any excessive smoke, soot or cinders permitted to be emitted from any engine, firebox, stove, furnace, chimney or smokestack in a manner so as to annoy any resident of the neighborhood and which in the opinion of the Fire Chief constitutes a fire hazard, or the operation of any engine or machinery using fuel oil, emitting offensive odors, or smoke or soot which extends to dwelling houses in the neighborhood to such an extent as to render their occupancy materially uncomfortable, or to interfere with the use and comfortable enjoyment of property is declared a public nuisance.

**8.32.200 Internal Combustion Engines.** Any stationary internal combustion engine used, run, or otherwise operated within three hundred (300) feet of any private residence, rooming or lodging house without first obtaining the consent of all persons residing within such distance is declared a public nuisance, provided that such consent shall be unnecessary if the exhaust and noise there from is muffled so as to prevent the emission of any excessive soot, smoke or noise. This Section shall not apply to the use of generators during public emergencies.

**8.32.205 Abandoned, Inoperative, or Unlicensed Trailers, Campers, Etc.** Abandoned, inoperative or unlicensed trailers, campers, boats, and/or other mobile equipment being either a single item or any combination of the above not included under Abandoned Vehicles, Chapter 8.20 of the Beaumont Municipal Code that is/are not parked or stored entirely within an enclosed structure or not screened from view and is visible from the street or other public or private property is declared a public nuisance.

**8.32.210 Salvage Materials.** Any lumber, junk, trash, debris, refuse, waste matter or other salvage materials visible from a public right-of-way or adjoining premises is declared a public nuisance.

**8.32.220 Attractive Nuisances.** Attractive nuisances dangerous to children, including, but not limited to, abandoned, broken or neglected equipment and machinery, unguarded or unfenced commercial outdoor displays and storage, hazardous pools and excavations, are declared a public nuisance.

**8.32.230 Household Fixtures.** Abandoned or discarded furniture, appliances, play equipment or other household fixtures or equipment, stored so as to be visible from public right-of-way or from adjoining premises, are declared a public nuisance.

**8.32.240 Clotheslines.** Clotheslines in front or side yard areas of corner lots or clothes hung to dry on walls, fences, trees, bushes or carport areas where such is visible from the public right-of-way are declared a public nuisance.

**8.32.250 Materials Stored on Roofs.** Materials or items of any type stored on roofs and visible from the public right-of-way are declared a public nuisance.

**8.32.260 Discarded Materials.** Garbage or trash cans. Containers or plastic bags stored in front or side yards, visible from the public right-of-way or which cause offensive odors are declared a public nuisance.

**8.32.270 Overgrown Plants.** Any overgrown trees, hedges, weeds, shrubs and other overgrown vegetation, cultivated or uncultivated, which is likely to harbor insects, rats or other vermin, or which constitute an unsightly appearance, which constitutes a safety hazard, or which is detrimental to neighboring premises or property values, or which is grown on/or over the public right-of-way and impairs vehicular or pedestrian traffic, or the visibility of such traffic, which impairs the visibility of traffic signs and signals is declared a public nuisance. (Ord. No.823, § 1, 3-5-02)

**8.32.280**      **Right of Entry.** The Fire Chief, Police Chief, Director, Health Officer and City Manager shall be entitled to enter any premises, occupied or vacant, to determine whether any act or condition may constitute a public nuisance if he/she has reasonable cause to believe that such act or condition may exist on the premises. If the premises are occupied, credentials shall be presented to the occupant and permission to enter shall be obtained in writing. In the event that the premises are secured against entry, a reasonable effort shall be made to locate the owner or other persons having charge or control over the premises for permission to enter. If entry is refused, the Fire Chief, Police Chief, Director, Health Officer, or City Manager shall obtain such authorization, including a warrant, as may be necessary under the circumstances to secure entry.

**8.32.290**      **Report of Findings.** The Fire Chief, Police Chief, Director, Health Officer, or City Manager, acting either *in* concert or independently, may examine, or cause to be examined, every premises reported in writing to or by a City department head or his/her designee as dangerous or damaged or which may constitute a public nuisance, and upon examination shall prepare a Report of Findings setting forth the condition of the premises and, if necessary, his/her/their recommendation for the review and inspection by the legal or equitable owners of the premises to which it relates.

**8.32.300**      **Order to Abate Public Nuisance.** If the Police Chief, Fire Chief, Building Official, Health Officer or City Manager finds that any premises constitutes a nuisance and determines that City abatement thereof is necessary to protect the public health, safety, or welfare, the City Manager shall cause to be prepared an Order to Abate Public Nuisance stating in detail the condition which renders the premises a public nuisance. The Order shall set forth the street address, the assessor's parcel number or other appropriate method of determining the location of the nuisance. Such Order shall be in substantially the following form: (Ord. 957, 10/06)

(Continued on next page)

**ORDER TO ABATE PUBLIC NUISANCE**

To all persons having any interest in the premises having assessor's parcel number \_\_\_\_\_ and commonly known as \_\_\_\_\_ in the City of Beaumont:

Your attention is hereby called to the provisions of Sections 8.32.000 through 8.32.545 of the Municipal Code of the City of Beaumont, California, on file in the office of the City Clerk in the City Hall located at 550 East Sixth Street, Beaumont, California.

Pursuant to the provisions of said Sections, you are hereby notified that certain unsafe, dangerous, hazardous or obnoxious conditions have been declared a public nuisance by the Police Chief, Fire Chief, Building Official, Health Officer or City Manager.

Said nuisance must be abated by the removal or repair of said unsafe, dangerous, hazardous or obnoxious conditions as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If such action(s) are not completed within \_\_\_\_\_ days from the date of this Order, the City of Beaumont will remove or repair such conditions and will abate the nuisance, in which case the cost of such removal or repair and abatement shall be assessed upon the premises on which said conditions exist, and such costs will constitute a lien upon such premises unless and until paid in full.

**Right to Hearing**

YOU HAVE THE RIGHT TO A HEARING REGARDING THE REQUIREMENTS OF THIS ORDER BY FILING A WRITTEN REQUEST FOR HEARING WITH THE CITY CLERK IN ACCORDANCE WITH SECTION 8.32.345 OF THE MUNICIPAL CODE WITHIN 10 DAYS AFTER THE DATE OF SERVING, MAILING, PUBLISHING OR POSTING OF THIS ORDER TO ABATE PUBLIC NUISANCE, WHICHEVER IS LATER.

Date: \_\_\_\_\_

\_\_\_\_\_  
Code Enforcement Officer  
City of Beaumont

**8.32.310**      **Service of notice - Persons to be Served.** The City Manager shall cause copies of such notice to be served upon each of the following:

A. The person, or persons, if any, occupying or in real or apparent charge and control of the premises involved; and

B. The owner of the premises as shown on the most recent tax assessment;

C. Any other person or persons known by the City Manager to have an ownership or leasehold interest in the premises. (Ord. 957, 10/06)

**8.32.320**      **Service of Order - Manner of Service.** The Order shall be served as follows:

A. The person, or persons, if any, at least 18 years of age and occupying or in real or apparent charge and control of the premises involved shall be personally served if reasonably possible. If personal service cannot with reasonable diligence be accomplished, then the Order shall be mailed, certified, return receipt requested, to such persons at the address of the premises.

B. The owner of the premises as shown on the most recent tax assessment roll and any other person or persons actually known to have an ownership, leasehold or other interest in the premises shall be personally served if reasonably possible. If personal service cannot with reasonable diligence be accomplished, then the Order shall be mailed, first class mail, postage prepaid, to such persons at their last known address.

C. If no address is known, then the Order shall be mailed to such persons at the address of the premises involved and the Order shall be published in a newspaper circulated within the City and one certified copy of the Order shall also be conspicuously posted on the premises at least ten (10) days before the time fixed for the hearing before the Nuisance Abatement Hearing. (Ord. 957, 10/06)

**8.32.330**      **Service of Order - Proof.** Proof of service of the Order and/or publishing and posting thereof shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which such Order was given and/or published and posted. He shall file such declaration in the Building Official's or the City Clerk's office and therewith any proof of mailing, publishing, or posting. (Ord. 957, 10/06)

**8.32.340 Voluntary Abatement by Premises Owner.** The owner, lessee, or occupant of any premises alleged to be a nuisance under the provisions of this Chapter may abate the nuisance by rehabilitation, repair, removal, or demolition at any time within the abatement period provided in the Order to Abate Public Nuisance. Once advised of such abatement, the City shall inspect the premises to verify that the condition has been abated.” (Ord. 957, 10/06)

**8.32.345 Request for Hearing Before Nuisance Abatement Hearing Officer.** Within ten (10) days of the service, mailing, publishing, or posting the Order to Abate Public Nuisance, whichever is later, the owner, lessee, or occupant of the premises described in the Order to Abate may request a hearing before the Nuisance Abatement Hearing Officer regarding the requirements of the Order to Abate. Such request shall be made in writing, shall state the objections of the person filing the request, shall state the interest in the property of the person filing the request and shall be filed with the Building Official or the City Clerk. The matter shall be assigned to the Nuisance Abatement Hearing Officer and set for hearing at least ten (10) days after the date of the mailing of the Notice of Hearing to Abate Public Nuisance. The person filing the request shall be entitled to one continuance of up to fourteen (14) additional days. The person filing the request, and all others having an interest in the premises, shall be notified of the time and place of the hearing before the Nuisance Abatement Hearing Officer by a Notice of Hearing to Abate Public Nuisance as set forth below. (~~Ord. 716 §2, 1993~~; Ord. 957, 10/06)

**8.32.350 Nuisance Abatement Hearing Officer.** Any and all requests pursuant to Section 8.32.345 shall be heard by the Nuisance Abatement Hearing Officer who shall be the City Manager or his/her designee. The decision of the Nuisance Abatement Hearing Officer shall be final unless an appeal to the City Council is filed pursuant to section 8.32.495. (~~Ord. 716 §2, 1993~~; Ord. 957, 10/06)

**8.32.355 Notice of Hearing to Abate Public Nuisance.** If the nuisance is not abated voluntarily, or if a request for hearing is filed pursuant to Section 8.32.345, a Notice of Hearing to Abate Public Nuisance shall be prepared in substantially the following form:

NOTICE OF HEARING TO ABATE  
PUBLIC NUISANCE

To all persons having any interest in the premises having assessor  
I s parcel number \_\_\_\_\_ and known and described as  
\_\_\_\_\_ in the City of Beaumont:

Notice is hereby given that you must appear before the Nuisance  
Abatement Hearing Officer at the hearing to be held on the day of  
\_\_\_\_\_, at City Hall located at 550 East Sixth Street  
Beaumont, California, at \_\_\_\_\_ a.m./p.m., or as soon  
thereafter as the matter may be heard, to show cause why certain  
unsafe, dangerous, hazardous or obnoxious conditions existing on  
said premises shall not be declared a public nuisance and said  
nuisance be abated by the removal or repair of said unsafe,  
dangerous, hazardous or obnoxious conditions.

Otherwise, upon the Nuisance Abatement Hearing Officer's finding that the same constitutes a public nuisance, the nuisance will be abated by the City of Beaumont, in which case the cost of such removal or repair and abatement shall be assessed upon the premises on which said conditions exist, and such costs will constitute a lien upon such premises unless and until paid in full.

The conditions upon said premises which cause them to be a public nuisance are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Code Enforcement Officer  
City of Beaumont

**8.32.360 Hearing on Abatement - Content of Testimony.** The Nuisance Abatement Hearing Officer shall, at the scheduled time as specified in the Notice of Hearing to Abate Public Nuisance, proceed to hear and consider any relevant testimony or evidence offered by the Fire Chief, Police Chief, Director, Health Officer, City Manager, other officials or employees of the City or other qualified witnesses, as well as the owner, a responsible person in charge and control of the affected premises, his representatives, a mortgagee or beneficiary under any trust deed, lessee, any other person having any estate or interest in such premises, or any other competent person who may be present and desire to testify, respecting:

- A. The condition of the affected premises,
- B. The estimated cost of abating the alleged *nuisance* by repair or removal, and
- C. Any other pertinent matters.

The Nuisance Abatement Hearing Officer may continue the hearing from *time to time* as it shall deem advisable. (Ord. 716 §2, 1993)

**8.32.370 Hearing on Abatement - Procedure.** The bearing shall be conducted formally, although the technical rules of evidence shall not apply, except that irrelevant and unduly repetitious evidence shall be excluded. All *evidence* taken shall be sworn evidence and the proceedings shall be recorded. During the course of the hearing, the Nuisance Abatement Hearing Officer may visit and inspect any *premises* involved in the proceeding.

**8.32.380 Hearing on Abatement - Decision.** Upon conclusion of the hearing, the Nuisance Abatement Hearing Officer shall consider the evidence presented and shall, as soon as reasonably possible thereafter, make written findings of fact, based upon the evidence, to support his/her *decision* and shall make his/her determination and conclusion with respect to the alleged public nuisance. The ruling shall be made by the Nuisance Abatement Hearing Officer within thirty (30) days of the close of such hearing, and copies thereof shall be served upon all interested parties in the same manner as set forth in Sections 8.32.310 through 8.32.330. Failure of the owner or other persons having any interest *in* the affected premises to appear at

or be represented at the hearing shall in no way affect the validity thereof. The ruling shall contain a notice that appeal to the City Council, if desired, must be sought by filing a notice of appeal with the City Clerk within 15 days from the date of the decision in accordance with Section 8.32.495. (Ord. 71G §2, 1993)

**8.32.390 Order to Abate Public Nuisance.** If, from the evidence received at the hearing, the Nuisance Abatement Hearing Officer determines that the premises or any portions thereof are unsafe or dangerous and a public nuisance, then he/she shall, by written ruling, order the nuisance abated. The Order to Abate Public Nuisance shall set forth the following:

A. A statement of the particulars which render the premises obnoxious or unsafe and a public nuisance;

B. A statement of the things required to be done to abate the nuisance;

C. The time within which the work required to abate must be commenced, which shall be not less than ten (10) days after the passage and adoption of the resolution;

D. A reasonable *time within* which the *required* abatement shall be completed;

E. That the occupant, lessee, or another person *in possession* or charge, or any mortgagee, beneficiary under any deed of trust, or other person having an *interest* or estate *in* such *premises*, may at *his own risk*, abate the nuisance.

F. That appeal to the *City Council*, if *desired*, must be sought by *filing a notice* of appeal with the *City Clerk* *within* 15 days from the date of the *decision* in accordance with Section 8.32.495. (Ord. 716 §2, 1993)

**8.32.400 Order to Abate - Service.** The *City Manager* shall cause copies of the order to be posted upon the premises involved and served in the manner and upon the persons prescribed in Section 8.32.310 through 8.32.330, *except* that a copy of the affidavit or certificates of mailing shall be included with each copy of the order which is mailed.

**8.32.410 Abatement by Premises Owner.** The premises owner, lessee, occupant, or person having charge or control of the premises, may, at his own expense, abate the nuisance as prescribed by the Order to Abate prior to expiration of the abatement period set forth in the Order to Abate. If the nuisance has been inspected by a representative of the *City* and has been abated in accordance with the Order to Abate, proceedings shall be terminated.

**8.32.420 Abatement by the City.** Whenever an order to Abate Public Nuisance upon a premises, or any portion thereof, has not been complied with within the time set by the Nuisance Abatement Hearing Officer, the *City Manager* shall have the power, in addition to any other remedy provided for in this Chapter, to:

A. Cause the premises to be vacated until such time as the nuisance has been abated;

B. Cause the nuisance upon the premises, or any portion thereof, to be abated and the premises restored to a condition in compliance with the provisions of the Beaumont Municipal Code, rules and regulations promulgated thereunder and the laws and statutes of the State of California. Immediately upon completion of such abatement, the *City Manager* shall cause a notice of such completion to be recorded in the office of the County Recorder, Riverside County, State of California. Nothing herein shall prevent the *City* from contracting with an independent contractor to perform such work as may be necessary to abate the nuisance. (Ord. 716 §2, 1993)



**8.32.425**      **Right of Entry to Abate.** The Fire Chief, Police Chief, Director, Health Officer and City Manager shall be entitled to enter vacant or occupied premises to carry out an Order to Abate Public Nuisance. If the premises are occupied, credentials shall be presented to the occupant and permission to enter shall be obtained in writing. In the event that the premises are secured against entry, a reasonable effort shall be made to locate the owner or other persons having charge or control over the premises for permission to enter. If entry is refused or cannot be obtained, the Fire Chief, Police Chief, Director, Health Officer, or City Manager shall obtain such authorization, including a warrant, as may be necessary under the circumstances to secure entry. Authorization may be obtained following the same procedures as set forth in state law for inspection authorization, including, but not limited to, obtaining from the municipal court an administrative abatement warrant.

**8.32.430**      **Immediate Hazards.** Any condition which poses an immediate hazard to public health or safety shall be determined and declared by the City Manager, Police Chief, Fire Chief, Health Officer or Director to be an immediate hazard. In such event, the City Manager, Police Chief, Fire Chief, Health Officer or Director may take immediate action to abate the hazard, without notice to the owner, lessee, person having custody or charge of the premises involved, or any other interested person, and without the necessity of a hearing thereon by the Hearing Officer. However, such immediate action shall be limited to such action as the City Manager, Police Chief, Fire Chief, Health Officer or Director deems reasonably necessary in his/her discretion to eliminate the immediate hazard or to protect persons or property from immediate injury or damage. Any further action to abate a nuisance which does not pose an immediate hazard to public health and safety shall be taken only in accordance with the procedures set forth in this Chapter. (Ord. 716 §2, 1993)

**8.32.440**      **Costs - Report.** The Fire Chief, Police Chief, City Manager, Director or Health Officer shall keep an account of the cost (including incidental expenses) of abating any nuisance or immediate hazard on each separate premises where the work has been done and, upon completion of the abatement, the City Manager shall cause to be prepared and filed with the City Clerk an itemized Report of Costs of Nuisance Abatement specifying the following:

- A. The work performed;
- B. The cost of the work, including any salvage value and incidental expenses;
- C. A description of the premises on which the nuisance or immediate hazard was located.
- D. The names and addresses of the persons entitled to notice pursuant to the provisions of this Chapter.
- E. The assessment against each premises proposed to be levied to pay the cost thereof. Any such Report of Costs of Nuisance Abatement may include work performed on any number of premises, whether or not contiguous to each other. The term "incidental expenses" includes, but is not limited to, the expenses and costs of the City in the preparation of notices, specifications and contracts, inspection of the work, reports of title search and the costs of printing, mailing and serving papers required under this Chapter.

**8.32.450**      **Costs - Notice of Hearing.** Upon filing of the Report of Costs of nuisance Abatement by the Police Chief, Fire Chief, Director, Health Officer or *City Manager* with the City Clerk, the City Clerk shall add consideration of the Report to the agenda of the next City Council meeting which will permit time for proper notification of interested persons. The City Clerk shall cause to be served copies of the Report and a Notice of Hearing on Costs of nuisance Abatement at least twenty-one (21) days before the scheduled hearing upon the persons and in the manner set forth in Sections 8.32.310 through 8.32.330. The Notice of Hearing on Costs of Nuisance Abatement shall be in substantially the following form:

NOTICE OF HEARING ON COSTS  
OF NUISANCE ABATEMENT

To all persons having any interest in the premises having assessor's parcel number \_\_\_\_\_ and known and described as \_\_\_\_\_ in the City of Beaumont:

Notice is hereby given that the City Council, at its meeting to be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at City Hall located at 550 East Sixth Street, Beaumont, California, at \_\_\_\_\_ a.m./p.m., or as soon thereafter as the matter may be heard, will hear any protest or objection to the cost of the abatement of the public nuisance on the premises described above for the purpose of correcting, modifying, or confirming said costs and assessing the same against said premises. Failure to make any objection will be deemed to be a waiver of any objection or protest to any and all procedures concerning the same. A Report of Costs of Nuisance Abatement showing the cost and proposed assessment for such abatement is on file at City Hall and is open to public inspection.

Dated: \_\_\_\_\_

\_\_\_\_\_  
City Manager  
City of Beaumont

**8.32.460**      **Costs - Hearing.** Any person interested in and affected by the proposed assessment may file written protests or objections with the City Clerk at any time prior to the hour and date set for the hearing on the Reports of Costs of Nuisance Abatement. Each such protest or objection must contain a description of the premises in which the signer thereof is interested and the grounds of such protest or objection. Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the Report of Costs of Nuisance Abatement, together with any objections or protests which may be raised by any premises owner liable to be assessed for the costs of abatement, and any other interested persons. The City Council may make such correction, revision, or modification in the Report of Costs of Nuisance Abatement as it may deem just, and when the City Council is satisfied of the correctness of the assessment, the Report of Costs of Nuisance Abatement is submitted, or as revised, corrected or modified, together with the assessment, shall be confirmed by resolution. The resolution shall be passed and adopted by the City Council within thirty (30) days of the close of such hearing, and copies thereof shall be served upon all interested parties in the same manner as set forth in Sections 8.32.310 through 8.32.330, except that a copy of the affidavit or certificate of mailing shall be included with each copy of the resolution which is mailed. The resolution shall contain a notice that judicial review, if desired, must be sought within the 90-day time limit set forth in California code of Civil Procedure, Section 1094.6. The City Council may adjourn the hearings from time to time.

**8.32.470**      **Costs - Assessment and Personal Obligation of Owner.** The amount of the costs of abating the nuisance or the immediate hazard upon each premises, including incidental expenses, as confirmed by the City Council, shall constitute an assessment against each such premises, and as thus made and confirmed shall also become the personal obligation of the owner of each said premises. Such assessment shall be due and payable thirty (30) days from the date of confirmation thereof, and thereafter shall bear interest at the legal rate of interest until paid. Such assessment shall also constitute a lien on such premises for the amount of such costs until paid pursuant to California Government Code, Section 38773.1, and shall also constitute a special assessment against such premises for the amount of such costs pursuant to California Government Code, Section 38773.5.

**(Continued on next page)**

**8.32.480 Costs - Collection - Recorded Lien.** Upon the City Council's confirmation of the amount of costs as set forth in Section 8.32.460, pursuant to California Government Code, Section 38773.1, the City Clerk shall cause a Notice of Lien to be served upon the persons and in the manner prescribed in Section 8.32.485, and to be recorded in the Office of the County Recorder of Riverside County, State of California. Such Notice of Lien shall be in substantially the following form:

NOTICE OF LIEN

Pursuant to the authority contained in Chapter 8.32 of the Beaumont Municipal Code, City of Beaumont, California, and in California Government Code, Sections 38773 and 38773.1, the City of Beaumont, did cause a nuisance to be abated on \_\_\_\_\_, 199\_\_\_\_, on the premises described below and did, by Resolution \_\_\_\_\_ dated \_\_\_\_\_, 199\_\_\_\_, assess the cost of such abatement upon said premises described below. Of said cost there remains unpaid to the City of Beaumont the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), together with interest calculated thereon at the legal rate of interest from \_\_\_\_\_, 199\_\_\_\_, until said amount has been paid in full this lien discharged of record.

The premises described above and upon which a lien is hereby claimed is that certain premises situated in the City of Beaumont, County of Riverside, State of California, and more particularly described as follows.

\_\_\_\_\_

The name and address of the owner of record of such premises described above is:

\_\_\_\_\_

City of Beaumont  
Dated: \_\_\_\_\_, \_\_\_\_\_ By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

**8.32.485**      **Cost - Collection - Service of Notice of Lien.** The Notice shall be served in the same manner as a summons in a civil action in accordance with California Code of Civil Procedure, Sections 415.10 et seq. as follows:

A. The person, or persons, if any, at least 18 years of age and occupying or in real or apparent charge and control of the premises involved shall be personally served unless the premises is vacant.

B. The owner of the premises as shown on the most recent tax assessment roll and any other person or persons actually known by the City Manager to have an ownership, leasehold or other interest in the premises shall be personally served. If personal service cannot with reasonable diligence be accomplished, the Notice may be served by leaving a copy of the Notice at such person's dwelling house, usual place of abode, office box, in the presence of a competent member of the household or a person apparently in charge of his or her office, place of business, or usual mailing address, at least 18 years of age, who shall be informed of the contents thereof, and by thereafter mailing a copy of the Notice (by first-class mail, postage prepaid) to the person to be served at the place where a copy of the Notice was left. Service is deemed complete on the tenth day after the mailing.

C. If no address is known, then the Notice shall be. Mailed to such person at the address of the premises involved and the Notice shall be published in a daily newspaper circulated within the City and one certified copy of the Notice shall also be conspicuously posted on the premises at least ten (10) days before the time fixed for the hearing before the City Council.

**8.32.490**      **Costs - Collection - Special Assessment Collected with Taxes.** Upon the City Council's confirmation of the amount of costs as set forth in Section 8.32.460, pursuant to California Government Code, Section 38773.5, a certified copy of such confirmed special assessment, which remains unpaid, shall be filed with the Assessor and Tax Collector of Riverside County acting for the City in order that such County officials may enter the amount of the special assessment on the appropriate assessment book opposite the a description of the particular premises. Thereafter such amount shall be collected at the same time and in the same manner as general City taxes are collected, and shall be subject to the same penalties and interest, and the same procedure under foreclosure and sale of delinquency, as provided by law for City taxes. All laws and ordinances applicable to the levy, collection and enforcement of City taxes are made applicable to such special assessment.

**8.32.495**      **Appeal to the City Council.**

A. Whenever any person is aggrieved by any final order of the Hearing Officer issued pursuant to this Chapter, such person may appeal to the City Council the issuance of said order by filing a written notice of appeal there from no later than fifteen (15) calendar days from the date of decision. A written notice of appeal shall be filed with the City Clerk and shall state the objections of the person filing the notice and shall state the interest in the property of the person filing the notice.

B. The City Clerk shall set the matter for hearing at the next regular City Council meeting at least fourteen (14) calendar days after the date of the mailing of the Notice of Hearing on the appeal. The City Clerk shall give notice of the time and place of the hearing before the City Council to all interested parties in the same manner as set forth in Sections 8.32.310 through 8.32.330.

C. The hearing before the City Council shall be conducted in a manner consistent with the provisions of Sections 8.32.360 and 8.32.370. After the hearing, the City Council may, by written decision, affirm, reverse or modify, in whole or in part, any final decision or order of the Hearing Officer which is appealed from. The written decision shall be issued within fourteen (14) calendar days of the close of the hearing. Failure of the owner or other persons having any interest in the affected premises to appear at or be represented at the hearing shall in no way affect the validity thereof.

D. The City Clerk shall serve the written resolution representing the decision of the City Council on the appeal on all interested parties in the same manner as set forth in Sections 8.32.310 through 8.32.330. The written resolution served shall contain a notice that judicial review, if desired, must be sought within 30 days after the date of posting on the subject premises a notice of the passage of the resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution; otherwise, all objections shall be deemed to have been waived. (~~Ord. 735 §2, 1993~~; Ord. 957, 10/09)

**8.32.500 Unlawful Interference.** It is unlawful and a misdemeanor for any person to obstruct, impede or interfere with an officer, agent or employee of the City or with any person who owns or holds any estate or interest in any premises, or any portion thereof, upon which there is a nuisance which has been ordered to be abated, or with any person to whom such premises have been lawfully sold pursuant to the provisions of this Chapter, when any such officer, agent, employee, purchaser or person having an interest or estate in such premises is engaged in abating a nuisance or immediate hazard thereon, or in performing any necessary act preliminary to or incidental to such work, or authorized or directed pursuant thereto.

**8.32.510 Non-liability of City.** The provisions of this Chapter shall not be construed to hold the City or any official, officer, employee or agent thereof responsible for any damage to persons or property by reason of the inspections authorized herein, by reason of the determination that a nuisance or immediate hazard exists on any premises in accordance with the provision herein, or by reason of any of the procedures or processes related to the actual abatement thereof.

**8.32.520 Violation—Penalty** In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of \$1,000.00, or six (6) months in jail, or both. (Ord. 997, 5.3.11)

**8.32.530 Judicial Review.** California Code of Civil Procedure, Section 1094.6 is hereby adopted and made applicable to any judicial review of any decision made by the City or its Nuisance Abatement Hearing Officer, agents, representatives or employees under this Chapter. (Ord. 716 §2, 1993)

**8.32.540 Severability.** If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held unconstitutional or otherwise invalid, such decisions shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted this Chapter, and each section, subsection, clause, sentence and phrase thereof, irrespective of the fact that anyone or more sections, subsections, clauses, sentences or phrases be declared unconstitutional or otherwise invalid.

**8.32.545 Gender and Number.** Any reference to the masculine shall include the feminine and any reference to the feminine shall include the masculine. Any reference to the singular shall include the plural and any reference to the plural shall include the singular.

### **Chapter 8.36** **ALARM SYSTEMS**

Sections:

8.36.010	Purpose.
8.36.020	Definitions.
8.36.030	Prohibition.
8.36.040	Exceptions.
8.36.050	Alarm User License.
8.36.060	Alarm User License: Application.
8.36.070	Alarm User License: Renewal and Annual Fee.
8.36.080	Notice to Police Department.
8.36.090	Responsibilities of Alarm User.
8.36.095	False Alarm Response Fines
8.36.100	"No Response List"; Reinstatement; No City Liability.
8.36.110	Regulation of Audible Alarms.
8.36.120	Testing, Service and Repairs of Alarm System
8.36.130	Automatic Dialing Devices.
8.36.140	Penalty for Violation.
8.36.150	Compliance With This Chapter By Existing Alarm Users.

**8.36.010 Purpose.** The purpose of this Chapter is to protect public health, safety and welfare by regulating alarm systems in order to reduce false alarms and the public service costs incurred in responding to such alarms. Many alarm systems currently in use mechanically malfunction or are not operated properly by their users, causing an increase in false alarm responses, thereby constituting a hazard and wasted time for peace officers, communications personnel and the public in general. (Ord. No. 895, § 2, 6-20-06)

**8.36.020 Definitions.** For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them in this Section:

"Alarm or Alarm System" - means any device which is used to warn of an unauthorized entry into buildings or onto premises, of an emergency, or the commission of an unlawful act.

"Alarm User" - means any person who owns, leases or rents, or any on-site agent or representative thereof, any monitored or unmonitored alarm system, device or service.

"Automatic Dialing Device" - means a device which is connected to a telephone line, cellular telephone service or radio link and maintains an open line to emergency services or is programmed to select a predetermined telephone number and transmit an emergency message either by voice or coded signals indicating a need for emergency response.

"Business" - means any premises used for non-residential or governmental purposes.

"False Alarm" - means any activation of an alarm eliciting a response by police personnel when a situation requiring a response does not in fact exist. It does not include activation for testing purposes if the Police Department has been given advance notice of such testing. It also does not include activation by police personnel. If an alarm is canceled prior to the dispatch of police personnel the activation shall not be considered a false alarm.

"Person" - means any individual, firm, partnership, corporation or other entity, including governmental entities.

"Residential" - means premises used as dwelling units, which include apartments and lodging houses. (Ord. No. 895, § 2, 6-20-06)

**8.36.030**      **Prohibition.**

A. No person shall use, maintain or possess an alarm system on premises within the City of Beaumont unless that person has obtained an alarm user's license from the City Manager (or his/her designee).

B. It shall be unlawful for any person to intentionally activate any alarm or alarm system or cause signals to be transmitted to a monitoring agency indicating the activation of an alarm system for any reason other than to warn of an actual emergency or to test an alarm or alarm system provided that the Police Department has been notified before the test.

C. It shall be unlawful for an alarm user to refuse or fail to respond to the scene of his/her activated alarm when requested to do so by any Police Officer or Police Dispatcher. (Ord. No. 895, § 2, 6-20-06)

**8.36.040**      **Exceptions.** This Chapter shall not apply to:

A. A smoke or heat detector in a single-family residential unit not connected to a central monitoring system.

B. An alarm system affixed to a motor vehicle not connected to a central monitoring system. (Ord. No. 895, § 2, 6-20-06)

**8.36.050**      **Alarm User License.**

A. All alarm users shall, within ten (10) days of completing the installation of a new alarm system, or within ten (10) days of placing an existing alarm system in service, obtain an alarm user's license from the City Manager (or designee). If an alarm user fails to obtain a license such user shall be cited under Section 8.36.140 for each false alarm until such time as the permit is obtained.

B. If an alarm user operates an alarm system after having his/her license placed on the "no response" list pursuant to Section 8.36.100, such user shall be cited under Section 8.36.140 for each false alarm. (Ord. No. 895, § 2, 6-20-06)



**8.36.060 Alarm User License: Application.**

A. Application for an alarm license or renewal must be made by the alarm user to the City Code Enforcement Department upon forms prepared and approved by the Department. The applicant shall provide the following minimum information:

1. Name, address and telephone numbers (land line and cell phone) of the primary alarm user.

2. Location of the alarm system, types of activations reported by the system and which of these are audible and which are silent.

3. Name of the alarm business installing, servicing, inspecting, maintaining and/or monitoring the alarm system and a twenty-four-hour telephone number of the monitoring station.

4. Date of installation of the alarm system.

5. Certification that the primary alarm user and all others authorized to operate the system have been properly trained in the use of the system by an alarm business, the subscriber or by the owner of the alarm system.

6. a. For residential installations, the name of one (1) responsible party, in addition to the alarm user, who can be notified to assist police personnel in the event of an activation and who can control the system at any time of the day or night.

b. For non-residential installations, the name of three (3) responsible party(s), in addition to the alarm user, who can be notified to assist police personnel in the event of an activation and who can control the system at any time of the day or night.

B. The applicant shall, at the time of application, pay the fee established by resolution of the City Council. Fees for initial license application or renewal shall not be refundable, transferable or prorated. The application shall be signed and verified by the owner or lessee (or their agent or on-site representative) of the alarm system for which the license is requested. The application may contain any other such information as may be required by Code Enforcement.

C. Whenever any change occurs relating to the information required for a license the user shall give written notice of such change to the Code Enforcement Department within five (5) business days of said change.

D. The City Council, may, by resolution, exempt classes of residents, from the payment of applicable fees. Exemptions from fees shall not preclude the City from requiring alarm users obtain a permit from the Code Enforcement Department.

E. Subject to the disclosure requirements of the California Public Records Act, information furnished pursuant to this Chapter shall be kept confidential. (Ord. No. 895, § 2, 6-20-06)

**8.36.070 Alarm User License: Renewal and Annual Fee.**

A. Licenses shall be valid for a period of one (1) year and shall be renewed annually for a fee established by resolution of the City Council.

B. Each alarm user shall be notified of the need to renew the license approximately thirty (30) days prior to the expiration of the license. It shall be the responsibility of the alarm user to submit an application to renew prior to the expiration date. Failure to renew shall be classified as use of an unpermitted alarm system and the user shall be cited under Section 8.36.180 for each false alarm until a license is obtained. (Ord. No. 895, § 2, 6-20-06)

**8.36.080 Notice to Police Department.** The Code Enforcement Department shall promptly notify the Police Department of any new, renewed and revised alarm license. (Ord. No. 895, § 2, 6-20-06)

**8.36.090 Responsibilities of Alarm User.** The following are the duties and responsibilities of all alarm users, alarm owners or primary users operating alarm systems in the City of Beaumont:

A. To not manually activate an alarm except when an immediate emergency response is needed.

B. To inactivate or cause to be inactivated an audible alarm within fifteen (15) minutes of activation.

C. To be familiar with all alarm system operating instructions, including those for verification of an alarm.

D. To train or cause to be trained any and all persons who might have reason and authority to control the alarm system, in the proper operation of the system.

E. To inform persons who are authorized to operate the alarm system of the provisions of this Ordinance, emphasizing the importance of avoiding false alarms.

F. To notify the alarm system monitoring company of a false alarm activation as soon as the user is aware of the false alarm.

G. To notify the City Manager (or designee) when the alarm is deactivated or the applicant has moved from the location of the alarm system and is no longer responsible for its operation.

H. To maintain or to cause to be maintained the alarm system in good working order and to take measures to prevent the occurrence or reoccurrence of false alarms.

I. To inspect or to cause to be inspected the alarm system at least once each twelve (12) months.

J. To document the condition of the alarm system and the remedial actions taken to prevent false alarms. (Ord. No. 895, § 2, 6-20-06)

**8.36.095 False Alarm Response Fines** An alarm user shall become liable to the city for an administrative fine under Section 1.16.030 of this Code if the police department is required to respond to repeated false alarms from the user's alarm system. A false alarm response administrative fine shall be paid to the city by the alarm user for each false alarm commencing with the second false alarm received from any one source or from any one alarm system within twelve (12) consecutive months. No false alarm administrative fine shall be charged for false alarms occurring within thirty days following initial installation of any new alarm system provided the system otherwise complies with the requirements of this chapter. Multiple

false alarms received in any one twenty-four (24) hour period shall be considered a single event for the purpose of assessing an administrative fine". (Ord. 1047, 7.15.14)

**8.36.100**      **No Response List; Reinstatement; No City Liability.**

A. An alarm and alarm user shall be placed on a "No Response" list after police responses to six (6) false alarms within twelve (12) consecutive months. While on the "No Response" list, a police response will only be made when there is other independent information that an emergency has or is occurring.

B. The alarm and alarm user shall not be removed from the "No Response" list until the alarm user provides written evidence that the alarm has been serviced by an authorized alarm company which certifies that the alarm is properly functioning.

C. Neither the City of Beaumont nor its employees shall be liable for any failure to respond to an alarm that has been placed on the "No Response" list. (Ord. No. 895, § 2, 6-20-06)

**8.36.110**      **Regulation of Audible Alarms.**

A. Audible alarms shall be equipped with an automatic reset mechanism capable of terminating the audible sound within fifteen (15) minutes after activation;

B. If an alarm system continues to emit an audible sound in excess of fifteen (15) minutes, after reasonable efforts to contact the alarm user or the alarm business that monitors such alarm system, the Chief of Police, or his/her designee, may cause such alarm system to be disconnected. The alarm user shall pay the cost of such disconnection. (Ord. No. 895, § 2, 6-20-06)

**8.36.120**      **Testing, Service and Repairs of Alarm System.**

A. The alarm user shall notify the Beaumont Police Department Dispatch Center before any service, test, repair, maintenance, alteration or installation of an alarm system that may cause a false alarm. Any alarm activated shall not constitute a false alarm if prior notice has been given. Each activation in violation of this section is subject to citation pursuant to Section 8.36.140.

B. When any false alarm has occurred the alarm user shall have the alarm system promptly repaired or disconnected to prevent false alarms. The audible function of the alarm system shall be disconnected while repairs are being made. (Ord. No. 895, § 2, 6-20-06)

**8.36.130**      **Automatic Dialing Devices.**

A. No person or business shall use or cause to be used any automatic dialing device that:

B.

1. Automatically selects a public safety or emergency services telephone line of the City and then reproduces any prerecorded message or signal or otherwise maintains an open line without direct person-to-person communication.

2. Prevents termination of a call by police dispatch personnel.
3. Transmits directly to any public safety or emergency services facility.

B. Within thirty (30) days after the effective date of this Chapter all existing automatic-dialing devices described herein shall be disconnected. (Ord. No. 895, § 2, 6-20-06)

**8.36.140**      **Violation—Penalty** In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of \$1,000.00, or six (6) months in jail, or both. (Ord. 997, 5.3.11)

**8.36.150**      **Compliance With This Chapter by Existing Alarm Users.** The provisions of this Chapter shall apply to any and all alarm users including, without limitation, any person using an alarm installed before the effective date of this Chapter. All alarm users of alarm systems installed before the effective date of this Chapter shall apply for, and obtain, an alarm user license in accordance with the provisions of this Chapter within ninety (90) days of its effective date. (Ord. No. 895, § 2, 6-20-06)

## **Chapter 8.40** **MOBILE SOURCE AIR POLLUTION REDUCTION**

**Sections:**

8.40.010	Findings.
8.40.020	Intent.
8.40.030	Definitions.
8.40.040	Administration of Vehicle Registration Fee

**8.40.010**      **Findings.** The City of Beaumont hereby finds and declares that:

A. WHEREAS, the City is committed to improving the public health, safety and welfare, including air quality; and

B. WHEREAS, mobile sources are a major contributor to air pollution in the South Coast Air Basin; and

C. WHEREAS, air quality goals for the region established by state law cannot be met without reducing air pollution from mobile sources; and

D. WHEREAS, the South Coast Air Quality Management Plan (AQMP) calls upon cities and counties to reduce emissions from motor vehicles consistent with the requirements of the California Clean Air Act of 1988 by developing and implementing mobile source air pollution reduction programs; and

E. WHEREAS, such programs place demands upon the City's funds, and those programs should be financed by shifting the responsibility for financing from the general fund to the motor vehicles creating the demand, to the greatest extent possible; and

F. WHEREAS, Section 44223, added to the Health and Safety Code by action of the California Legislature on September 30, 1990 (Chapter 90-1705), authorizes the South Coast Air Quality Management District (SCAQMD) to impose an additional motor vehicle registration fee of two dollars(\$2), commencing on April 1, 1991, increasing to four dollars (\$4), commencing on April 1, 1992, to finance the implementation of transportation measures embodied in the AQMP and provisions of the California Clean Air Act; and

G. WHEREAS, forty cents of every dollar collected under Section 44223 of the Health and Safety Code shall be distributed to cities and counties located in the South Coast Air Quality Management District that comply with Section 44243 of the Code, based on the jurisdictions' prorated share of population as defined by the State Department of Finance; and

H. WHEREAS, the City is located within the South Coast Air Quality Management District and is eligible to receive a portion of the revenues from the additional motor vehicle registration fees contingent upon adoption of this Ordinance; and

I. WHEREAS, the prorated share of the fee revenues for cities that fail to adopt an ordinance pursuant to Section 44243(b) (3) of the Health and Safety Code shall be distributed instead to the jurisdictions within the District that have adopted an ordinance; and

NOW, THEREFORE, BE IT ORDAINED that the City of Beaumont, after careful consideration, hereby finds and declares that the imposition of the additional motor vehicle registration fee by the SCAQMD to finance mobile source air pollution reduction programs is in the best interest of the City and promotes the general welfare of its residents. (Ord. 703 §I, 1991)

**8.40.020** **Intent.** This Ordinance is intended to support the SCAQMD's imposition of the vehicle registration fee and to bring the City into compliance with the requirements set forth in Section 44243 of the Health and Safety Code in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles. (Ord. 703 §I, 1991)

**8.40.030** **Definitions.** As applied in this Ordinance, the following words and terms shall be defined as follows:

A. "City" shall mean the City of Beaumont.

B. "Mobile source air pollution reduction programs" shall mean any program or project implemented by the City to reduce air pollution from motor vehicles which it determines will be consistent with the California Clean Air Act of 1988 or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety Code.

C. "Fee Administrator" shall mean the Finance Director of the City or his designee. (Ord. 703 §I, 1991)

**8.40.040 Administration of Vehicle Registration Fee.**

A. Receipt of Fee: The additional vehicle registration fees disbursed by the SCAQMD and remitted to the City, pursuant to this Ordinance, shall be accepted by the Fee Administrator.

B. Establishment of Air Quality Improvement Trust Fund: The Fee Administrator shall establish a separate interest-bearing trust fund account in a financial institution authorized to receive deposits of City funds.

C. Transfer of Funds: Upon receipt of vehicle registration fees, the Fee Administrator shall deposit such funds into the separate account established pursuant to Subsection (B) above. All interest earned by the Trust Fund Account shall be credited only to that account.

D. Expenditure of Air Quality Trust Fund Revenues: All revenues received from the SCAQMD and deposited in the Trust Fund Account shall be exclusively expended on mobile source emission reduction programs as defined in Subsection 8.40.030 (B) above. All interest earned by the Trust Fund Account shall be credited only to that account.

E. Audits: The City consents to an audit of all programs and projects funded by vehicle registration fee revenues received from the SCAQMD pursuant to Section 44223 of the Health and Safety Code. The audit shall be conducted by an independent auditor selected by the SCAQMD as provided in Sections 44244 and 44244.1(a) of the Health and Safety Code. (Ord. 703 §I, 1991)

**Chapter 8.42**  
**Smoking in Public Parks**

**Sections:**

8.42.010	Definitions
8.42.020	Prohibition
8.42.030	Designation of Smoking Areas
8.42.040	Violation—Penalty
8.42.050	Severability

**8.42.010 Definitions**

A. "Public Park" shall mean any park open to the public located within the City of Beaumont, and includes all sidewalks and parking lots located within or on the perimeter of a public park.

B. "Smoke" means the gases, particles, or vapors released into the air as a result of the combustion, electrical ignition, or vaporization of a tobacco product, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the tobacco product. "Smoke" includes but is not limited to tobacco smoke, electronic cigarette vapors, and marijuana smoke.

C. "Smoking" means engaging in an act that generates smoke. "Smoking" includes inhaling, exhaling, burning, lighting, possessing, holding, or carrying any lighted cigar, lighted cigarette of any type, lighted pipe, lighted hookah pipe; or operating electronic cigarette, or any other smoke inhalation device of any kind. "Smoking" includes smoking marijuana for medical purposes.

(Ord. 1036, 7.2.13)

**8.42.020**     **Prohibition** No person shall engage in smoking within any public park, except in designated smoking areas. (Ord. 1036, 7.2.13)

**8.42.030**     **Designation of Smoking Areas** Persons conducting special events authorized and permitted by the City within a public park may designate a smoking area, provided it is located so as to minimize the effect of smoking on nonsmokers and adjacent nonsmoking areas and appropriate receptacles for the disposal of cigarettes and cigars are provided. (Ord. 1036, 7.2.13)

**8.42.040**     **Violation-Penalty** In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of \$1,000.00, or six (6) months in jail, or both". (Ord. 1036, 7.2.13)

#### **Chapter 8.44** **URINATION AND DEFECACTION IN PUBLIC**

**Sections:**

8.44.010     Public Urination and Defecation Prohibited.  
8.44.020     Citation  
8.44.030     Violation-Penalty

**8.44.010**     **Public Urination and Defecation Prohibited.** No person shall urinate or defecate in public except when using a urinal, toilet or commode located in a bathroom, restroom or other structure enclosed from public view. (Ord. 706, §I, 1992)

**8.44.020**     **Citation.** The Chief of Police or any members of his department are authorized to cite any violation of this Chapter. (Ord. 706, §I, 1992)

**8.44.030**     **Violation-Penalty.** Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor. (Ord. 706, §I, 1992)

**Chapter 8.46**  
**PROHIBITION ON THE INSTALLATION OF CERTAIN**  
**WATER SOFTENING APPLIANCES**

Sections:

8.46.010	Purpose.
8.46.020	Definitions.
8.46.030	Findings
8.46.040	Prohibition.
8.46.050	Violation.
8.46.060	Enforcement.
8.46.070	Severability

**8.46.010**     **Purpose.** The purpose of this Chapter is to protect the quality of the waters of the State including, but not limited to, protecting the beneficial uses of the Beaumont Groundwater Basin, which Basin provides most of the potable water drinking supply for the residents of the City of Beaumont. (Ord. No. 912, § 1, 7-3-07)

**8.46.020**     **Definitions.** The following definitions shall apply to the terms used in this Chapter:

"City" shall mean the City of Beaumont.

"Person" includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, town, the state, the federal government and any of the agencies and political subdivisions of such entities.

"Regional Board" means the California Regional Water Quality Control Board, Santa Ana Region, created and exercising its powers pursuant to the Porter-Cologne Water Quality Control Act, California Water Code, Section 13000 et seq.

"Residence" means a structure which is or is intended to be, in whole or in part, a place of dwelling, whether occupied or not, whether fully constructed or not, and includes without limitation, homes, whether attached to another structure or not, apartments, condominiums and mobile homes.

"Residential Self-Regenerating Water Softening Appliance" means a water softening device located within or adjacent to a residence located within the City or which discharges to a community sewer system that is tributary to the sewer system owned and operated by the City, whereby the capability of the appliance to remove hardness from water is renewed by the on-site application of a chloride salt-containing brine solution to the active softening or conditioning material contained therein, followed by a subsequent rinsing of the active softening or conditioning material. (Ord. No. 912, § 1,7-3-07)

**8.46.030**     **Findings.**

A. The State Legislature has found and declared that pollution prevention should be the first step in a hierarchy for reducing pollution and managing wastes, and to achieve environmental stewardship for society.



B. The Santa Ana River Basin Plan adopted by the Regional Board, and the waste discharge requirements issued by the Regional Board to the City for the City's publicly-owned wastewater treatment plant obligate the City to protect the pristine quality of the Beaumont Basin water supply by reducing and eliminating saline discharges to the Beaumont Basin.

C. The City Council has been informed and advised that residential self-generating water softening appliances individually generate and discharge salt to the Beaumont Basin, which salt cannot be removed from the drinking water supply by traditional water treatment and disposal methods. The City Council has been further advised that new residential development in the City has the potential for creating a proliferation of such appliances thereby potentially impairing the quality of the drinking water supply and undermining the City's ability to comply with the Regional Board's Wastewater Discharge requirements for its wastewater treatment plant.

D. Requiring a permit prior to the installation of self-regenerating water softening appliances is a useful means of quantifying the number of such installations and determining the impact on water quality achieving compliance with the waste discharge requirements issued by the Regional Board. (Ord. No. 912, § I, 7-3-07)

**8.46.040**      **Prohibition.** No person shall install or in any manner assist in the installation of a residential self-regenerating water softening appliance that discharges into the community sewer system owned and operated by the City or that discharges into a community sewer system that is tributary to the sewer system owned and operated by the City unless that person has first obtained a permit therefor from the City Manager or his/her designee. (Ord. No. 912, § 1,7-3-07)

**8.46.050**      **Violation—Penalty** In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of \$1,000.00, or six (6) months in jail, or both. (Ord. 997, 5.3.11)

**8.46.060**      **Enforcement.** The Director of Public Works and the City Manager shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Public Works Director and the City Manager may be delegated to persons acting in the beneficial interest of or in the employ of the City. (Ord. No. 912, § 1,7-3-07)

**8.46.070**      **Severability.** If any provision of this ordinance or the applicability thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid portion or application, and to that end the provisions of this ordinance as severable. (Ord. 912, 7.3.07)

**Chapter 8.50**  
**OUTDOOR LIGHTING**

**Sections:**

8.50.010	Purpose and Intent.
8.50.020	Definitions
8.50.030	Establishment of Lighting Zones.
8.50.030.1	The Residential Lighting Zone.
8.50.030.2	The Commercial/industrial Lighting Zone.
8.50.030.3	The Special Use Lighting Zone.
8.50.040	Prohibited Lighting.
8.50.050	Exempt Lighting.
8.50.060	Lighting in the Residential Lighting Zone.
8.50.060.1	Generally.
8.50.060.2	Maximum Wattage and Shielding.
8.50.060.3	Height Limit.
8.50.060.4	Total Lamp Power Limit.
8.50.060.5	Nonconforming Lighting.
8.50.070	Lighting in the Commercial/Industrial Zone.
8.50.070.1	Generally.
8.50.070.2	Maximum Wattage and Shielding.
8.50.070.3	Height Limit.
8.50.070.4	Total Lamp Power Limit.
8.50.070.5	Lighting Curfew
8.50.070.6	Nonconforming Lighting.
8.50.080	Special Use Zone.
8.50.080.1	Generally.
8.50.080.2	Conditional Use Permit Required.
8.50.080.3	Lighting Curfew.
8.50.085	Parks and Trails Lighting Specifications.
8.50.085.1	Generally.
8.50.085.2	Trails.
8.50.085.3	Parks.
8.50.090	Street Lighting Specifications.
8.50.090.1	Generally.
8.50.090.2	Lamps.
8.50.090.3	Luminaries.
8.50.090.4	Poles.
8.50.090.5	Pole Bases.
8.50.090.6	Wiring to Pole.
8.50.090.7	The Main Wiring.
8.50.090.8	The Circuitry and Voltage Drop.
8.50.090.9	The Meter Pedestal and Point of Contact.
8.50.090.10	Layout of Poles.
8.50.090.11	Layout of Poles at Pedestrian Conflict Areas for Residential Neighborhoods.
8.50.090.12	Special Decorative Fixtures.
8.50.090.13	Placement at Intersections.
8.50.090.14	Location of Poles.
8.50.090.15	Substitutions.
8.50.090.16	Street Light Curfew.
8.50.090.17	The Street Types and Layout Requirements
8.50.090.18	Plans.

- 8.50.090.19 Inspection.
- 8.50.090.20 Monthly O & M Charges.
- 8.50.100 Administration and Enforcement.
- 8.50.100.1 Generally.
- 8.50.100.2 Lighting Plan.
- 8.50.100.3 Appeal.
- 8.50.100.4 Variance for Non-Conforming Lighting.
- 8.50.100.5 Violations and Penalties.

**8.50.010 Purpose and Intent.** It is the purpose and intent of this Chapter to establish regulation and standards which will reduce light pollution generated by residential, commercial and industrial lighting fixtures and devices, minimize light pollution which has a detrimental effect on the environment and the enjoyment of the night sky, reduce and minimize lighting and lighting practices which cause unnecessary illumination of adjacent properties, correct problems of glare and light trespass, and reduce energy use. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

**8.50.020 Definitions.** As used in this Chapter, the following words and phrases shall have the meanings set forth below:

"Glare" light that causes visual discomfort or disability, or loss of visual performance.

"Light fixture" means a complete lighting unit consisting of a lamp or lamps, the lamp holder, reflector, lens, diffuser, ballast and/or other components and accessories, together with parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. Sometimes referred to as a "luminaire".

"Light pollution" means any artificial light emitted into the atmosphere, either directly or indirectly by reflection that impacts astronomical research and the enjoyment of the night sky by reflection off of airborne dust, water vapor and other atmospheric particulates.

"Light trespass:" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures. Quantitative measurement of light trespass shall be made with a standard yardstick having a length of three (3) feet and a width of 1.5 inches. The yardstick shall be placed at the complainant's property line nearest the light source. The Planning Director or his or her designee shall then determine if a shadow is cast by the light source onto a plain white paper. The light source, yardstick and shadow must be in alignment. Measurements shall not be taken when there is a moon in the night sky.

"Nuisance lighting" means and includes, but is not limited to, glare, sky glow, light pollution and light trespass.

"Shielded" a light fixture having a housing or optics that prevents a direct view of the light source from normal viewing angles. Types of shielding include:

- i. "Fully shielded" a lighting fixture shielded or constructed so that light rays are only emitted at angles below a horizontal plane passing through the lowest point of the fixture from which it is emitted. Sometimes referred to as a "full-cutoff" fixture;

ii. "Shielded" a light fixture emitting less than two percent (2%) of its light above the horizontal plane;

iii. "Partly shielded" a light fixture emitting less than ten percent (10%) of its light above the horizontal plane. Sometimes referred to as a "semi-cutoff" fixture;

iv. "Unshielded" a light fixture that emits ten percent (10%) or more of its light above the horizontal plane.

"Sky glow" the brightening of the night sky attributable to man-made sources of light.

"Temporary lighting" lighting installed with temporary wiring and operated for less than sixty (60) days in any calendar year. Temporary lighting includes "string lighting", which is any type of lighting and utilizes more than one lamp or bulb connected by a continuous wire and not exceeding 1.5 watts per bulb. Temporary lighting does not include flashing lamps or bulbs unless they are temporary holiday decorations.

~~(Ord. 1014, May 1, 2012)~~ (Ord.1054, March 17, 2015)

**8.50.030**     **Establishment of Lighting Zones.** There is hereby established three Lighting Zones within the City of Beaumont for the purpose of regulating and establishing standards for the reasonable use of outdoor lighting, the area of which zones are defined on the basis of land use:

**8.50.030.1**     **The Residential Lighting Zone:** shall consist of all areas of the City zoned exclusively for residential uses;

**8.50.030.2**     **The Commercial Industrial Lighting Zone:** shall consist of all areas of the City zoned exclusively for commercial and industrial uses;

**8.50.030.3**     **The Special Use Lighting Zone:** shall consist of specific land uses which require accurate color rendition, as more specifically provided for in Section 8.50.080, below.

~~(Ord. 1014, May 1, 2012)~~ (Ord.1054, March 17, 2015)

**8.50.040**     **Prohibited Lighting.** The following lighting systems are prohibited in all Lighting Zones, except by special event permit or Conditional Use Permit: aerial lasers, "search light" style lights, mercury vapor lights, flashing lights (unless they are temporary "holiday decorations" as provided for in Section 8.50.050.3 below), low-pressure sodium fixtures, lighting fixtures mounted in such a way as to illuminate a wall, building facade, roof or awning, or aimed only towards a property line, or which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer, and billboard lighting that is pointed up.

~~(Ord. 1014, May 1, 2012)~~ (Ord.1054, March 17, 2015)

**8.50.050 Exempt Lighting.** The following outdoor lighting fixtures are exempt from this Chapter:

- 8.50.050.1 Fossil fuel (e.g., gas) lamps;
- 8.50.050.2 Neon;
- 8.50.050.3 Temporary holiday decorations;
- 8.50.050.4 Flag lighting of 150 watts or less;
- 8.50.050.5 Emergency lighting;
- 8.50.050.6 Internally illuminated signs that have dark backgrounds (opaque or colored) and light lettering (white or colored lighter than the background) so as to minimize glare;
- 8.50.050.7 Motion detector lighting fixtures, provided (a) that there is no light trespass, (b) the fixtures are mounted within five (5) feet of an entrance or exit door or alcove of a structure, (c) installed no more than eight (8) feet above the ground, (d) illuminated with a maximum of two (2) light bulbs of no more than seventy-five (75) watts each, (e) maximum time the light is on after being triggered is ten (10) minutes, and (f) light cannot be triggered from more than 30 feet away;
- 8.50.050.8 Exposed string outdoor lighting, provided (a) that they consist exclusively of a white light with a clear bulb, and (b) the installation of such lights shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within the parking areas of a commercial center or plaza.

~~(Ord. 1014, May 1, 2012)~~ (Ord. 1054, March 17, 2015)

**8.50.060 Lighting in the Residential Lighting Zone.**

8.50.060.1 Generally. All outdoor lighting fixtures shall be installed and operated in conformance with this Chapter, and the California Building Code. The following standards are applicable to all outdoor lighting within the Residential Lighting Zone.

8.50.060.2 Maximum lumens and Shielding. All outdoor lighting shall comply with the following lamp lumen limits and shielding requirements:

- a. *Fully shielded*: 2,250 lumens (or equivalent) maximum;
- b. *Shielded*: 825 lumens (or equivalent) maximum;
- c. *Partly shielded*: none permitted;
- d. *Unshielded*: low voltage (twenty-four (24) volts or less) landscaping lighting only;

e. *Prohibition against adjustable light fixture mounts:* outdoor lighting fixtures shall be permanently installed so as to maintain the shielding requirements, except that low voltage landscaping lighting may use flexible or adjustable mounting systems. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.060.3 Height Limit. Lights mounted on poles or structures intended primarily for mounting lights shall not exceed a mounting height of forty percent (40%) of the horizontal distance of the light pole from the property line, up to a maximum of sixteen (16) feet high, whichever is lower; except that lighting attached to single family residences shall not exceed the height of the roof eave. (~~Ord. 1014, May 1, 2012~~)-(Ord.1054, March 17, 2015)

8.50.060.4 Total Lamp Power Limit. This subsection applies to all outdoor lighting, whether attached to a building, poles or other structures. The maximum allowable lighting limit per lot in the Residential Lighting Zone shall be determined by multiplying the area (square footage) of the lot by 0.03, the allowable lamp wattage per square foot of lot area. (~~Ord. 1014, May 1, 2012~~)-(Ord.1054, March 17, 2015)

8.50.060.5 Nonconforming Lighting. All outdoor light fixtures existing and legally installed prior to the effective date of this Chapter shall be deemed non-conforming and are exempt from the requirements of this Chapter except that non-conforming lighting fixtures shall not be structurally altered, reconstructed or replaced so as to extend their useful life. In the event that any non-conforming lighting fixture is structurally altered, reconstructed or replaced, such fixture shall be made to conform to the requirements of this Chapter. Additionally, should it be determined that a non-conforming light fixture results in light trespass, the Planning Director may require that the light be shielded, filtered, redirected, replaced with a less intense light source, removed or a combination thereof, to eliminate light trespass. Alternatively, a variance may be applied for. (~~Ord. 1014, May 1, 2012~~)-(Ord.1054, March 17, 2015)

### **8.50.070 Lighting in the Commercial/Industrial Zone.**

8.50.070.1 Generally. All outdoor lighting fixtures shall be installed and operated in conformance with this Chapter, and the Uniform Building and Electrical Codes. The following standards are applicable to all outdoor lighting within the Commercial/Industrial Zone: (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.070.2 Maximum Lumen and Shielding. All outdoor lighting shall comply with the following lamp lumen limits and shielding requirements:

- a. *Fully shielded:* 60,000 lumens (or equivalent) maximum;
- b. *Shielded:* 1,500 lumens (or equivalent) maximum;
- c. *Partly shielded:* 825 lumens (or equivalent) maximum;
- d. *Unshielded:* low voltage (twenty-four (24) volts or less) landscape and ornamental lighting;
- e. *Prohibition against adjustable light fixture mounts:* outdoor lighting fixtures shall be permanently installed so as to maintain the shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

(~~Ord. 1014, May 1, 2012, Ord. 1029, 12/18/12~~)-(Ord.1054, March 17, 2015)

8.50.070.3 Height Limit. Lights mounted on poles or structures intended primarily for mounting lights shall not exceed a mounting height of forty (40%) of the horizontal distance of the light pole from the property line, up to a maximum of twenty (20) feet high, whichever is lower; except that lighting attached to single story building shall not exceed the height of the roof eave. Poles shall be appropriately scaled for small buildings and lots. Fixtures shall be in scale with the proposed height. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.070.4 Total Lamp Power Limit. This subsection applies to all outdoor lighting, whether attached to a building, poles or other structures. The maximum allowable lighting limit per parcel in the Commercial/Industrial Zone shall be determined by multiplying the area (square footage) of the parcel by 0.05, the allowable lamp wattage per square foot of parcel area. Project scale may require closer spacing and lower wattage. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.070.5 Lighting Curfew. Outdoor lighting systems in the Commercial/Industrial Zone shall be turned off or reduced in lighting by at least fifty percent (50%) beginning at 10:00 p.m. or close of business, whichever is later, until dawn or the start of business, whichever is sooner. The reduction shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting level. Lighting shall be equipped with controls for photocell on and timer off. Exceptions to the lighting curfew are as follows:

- a. When there is only one (1) conforming lighting fixture for the parcel; or
- b. When a law or regulation requires lighting for steps and stairs; or
- c. When, in the opinion of the Planning Director, reduced lighting levels at a given location will cause unacceptable increased risk and design levels must be maintained.

(~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.070.6 Nonconforming Lighting. All outdoor light fixtures existing and legally installed prior to the effective date of this Chapter shall be deemed non-conforming and are exempt from the requirements of this Chapter except that non-conforming lighting fixtures shall not be structurally altered, reconstructed or replaced so as to extend their useful life.

In the event that any non-conforming lighting fixture is structurally altered, reconstructed or replaced, such fixture shall be made to conform to the requirements of this Chapter. Additionally, should it be determined that a non-conforming light fixture results in light trespass, the Planning Director may require that the light be shielded, filtered, redirected, replaced with a less intense light source, removed or a combination thereof, to eliminate light trespass. Alternatively, a variance may be applied for. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

**8.50.080      Special Use Zone.**

8.50.080.1 Generally. The Special Use Zone shall consist of specific land uses where the use of the space or area requires colors to be rendered as accurately as possible. Such uses may include, but are not limited to:

- a. Automobile sales lots;
- b. Outdoor recreation facilities (e.g. tennis courts, driving ranges, ball fields);
- c. Outdoor advertising displays;
- d. Service stations;

g. Industrial areas where higher pole heights are required to avoid interference with vehicle operations; (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.080.2 Conditional Use Permit Required. A Conditional Use Permit ("CUP") for outdoor lighting in a Special Use Zone shall be applied for and obtained from the Planning Director, upon written application therefore and the payment of an administrative fee. To obtain a CUP, applicants shall demonstrate that the proposed lighting installation:

- a. Is not within the Residential Lighting Zone;
- b. Utilizes fully-shielded, side shielded and internally-shielded light fixtures to the maximum extent practicable;
- c. Includes measures to mitigate light trespass and artificial sky glow.

(~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.080.3 Lighting Curfew. Outdoor lighting systems in the Commercial/Industrial Zone shall be turned off or reduced in lighting by at least fifty percent (50%) beginning at 10:00 p.m. or close of business, whichever is later, until dawn or the start of business, whichever is sooner. The reduction shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting level. Lighting shall be equipped with controls for photocell on and timer off. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

**8.50.085      Parks and Trails Lighting Specifications.**

8.50.085.1 Generally. The following specifications shall apply to all public and private sidewalks, pedestrian trails, bicycle paths, and equestrian trails (collectively, "trails"), and public parks. (~~Ord. 1014, May 1, 2012~~) (Ord. 1054, March 17, 2015)

8.50.085.2 Trails. Overhead lighting shall be placed on poles not more than sixteen (16) feet in height, illuminating only the trail itself plus an additional area of not more than five

(5) feet in width on either side of the trail, with a total lamp power limit of 0.040 watts per square foot. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)



8.50.085.3 Parks. Overhead lighting in parks shall be placed on poles not more than sixteen (16) feet in height, with a total lamp power of 0.020 watts per square foot. (~~Ord. 1014, May 1, 2012~~)(Ord.1054, March 17, 2015)

### **8.50.090 Street Lighting Specifications.**

8.50.090.1 Generally. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) rate standards; scheduled rates LS-3 and LS-2. The City will accept the option of re-lamping. This rate schedule is for collector roads, arterial roads and highways. LS-3 is a metered system with a special rate. It may be combined with the sprinkler controller meter pedestal, in most cases. The in-tract streetlights on residential roads will be LS-2, fed from the nearest Point of Contact with SCE. The developer of each tract map or parcel map will pay the City to install the street lighting system. The street lighting system will be wholly-owned and installed by the City. The LS-3 systems shall consist of a two-inch conduit from the SCE source to a meter pedestal to the lights per approved layouts. All work performed shall be by a Licensed Electrical Contractor. All inspections shall be by the City of Beaumont. (~~Ord. 1014, May 1, 2012~~)(Ord.1054, March 17, 2015)

8.50.090.2 Lamps. All street lighting lamps will be deluxe high-pressure sodium, clear, and have a mogul base. The watts and lumens are as follows: 70-watt is 6,400 lumens, 100-watt is 9,500 lumens, 150-watt is 16,000 lumens, 200-watt is 22,000 lumens, 250-watt is 30,000 lumens, and 400-watt is 51,000 lumens. All lamps are to have a rated life of 24,000 plus hours. All lamps are to be universal burning position. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.3 Luminaries. The specified and test brand is General Electric, style M-250R2 for 70- to 200-watt, and style M-400 for 250- to 400-watt fixtures. The photometric layout is type MC3, full cutoff with 0 degrees of light above 90 degrees. The specific photometric layout for 70-watt fixture is #7292. The specific photometric layouts for the 100- and 150-watt are #9168. The specific photometric layouts for the 200- and 250-watt fixtures #1045, #1006 and #7305. All light fixtures to have flat glass lenses. All fixtures to have a quad tap ballast and a twist lock photocell socket. All fixtures will get a twist lock photocell oriented to the north, or if necessary away from any other light sources. Layouts are based on a .81 light loss factor. All fixtures are to be wired 240-volt. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.4 Poles. All poles will be octagonal concrete tapered poles with a natural rock finish. The color for all perimeter streets will be "black and white (gray)". On interior streets the builder can select the street light color or use the basic City color of "black and white (gray)". Each pole will have an access door in the base to facilitate wiring. The Type A is a 70-watt and will be installed on a twenty-three-foot pole, with a six-foot arm upswept three (3) feet for a luminaire mounting height of twenty-six (26) feet. The Type D is a 100-watt and will be mounted on a twenty-five-foot pole with a twelve-arm upswept five (5) feet for a luminaire mounting height of thirty (30) feet. The Type C-1 and Type C-2 will have either one (1) or two (2) luminaries with 150-, 200-, 250-, and 400-watt fixtures and will be mounted on a thirty-one-foot pole with a twelve-arm upswept five (5) feet for a luminaire mounting height of thirty-six (36) feet. All arms are to be hot dipped galvanized steel or aluminum with a rain cap. Colored arms may be baked powder coating. Arms will have a two-inch mounting pipe for the luminaire. Poles must have a minimum eighty (80) miles per hour wind factor and sustain a 1.3 gust factor. The approved

manufacturer is Ameron, Inc. The twenty-three-foot pole number is Ameron #ICI-23. The twenty-five-foot pole number is Ameron #ICI-25. The thirty-one-foot pole number is Ameron #ICI-31. All poles will be identified on the pole label with the letters "BMT" to signify they are part of the City of Beaumont street lighting system. Type B pole is a specially approved custom pole and has a specific luminaire. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.5 Pole Bases. All poles will have a thirty-inch round or square in-ground base with a depth of forty-eight (48) inches from top of curb, and a minimum forty-two (42) inches of concrete base depth. There will be four (4) one-inch anchor bolts thirty-six (36) inches long with a four-inch turn. Washers will be installed above and below the one-inch pole-mounting flange. Anchor bolts, washers and nuts will all be hot dipped galvanized steel per pole manufacturer specifications. All pole bases will be "capped" with a removable 18" wide by 24" deep by 31h-inch thick concrete cap, either poured separate from the sidewalk or deep scored for easy removal. All poles are to be placed behind the curb with a center of pole measurement of eighteen (18) inches from the face of curb to the center of pole. In projects with a "rolled" curb or a "wedge" curb streetlights may be placed behind the sidewalk if necessary. Concrete for pole bases shall be a public works design mix with test strength of 3250 PSI. (~~Ord. 1014, May 1, 2012~~)-(Ord.1054, March 17, 2015)

8.50.090.6 Wiring to Pole. Wiring to pole will be two (2) #12 THWN stranded (one (I) red and one (I) black) ran down through pole, in one-inch schedule 40 PVC underground to an eleven (II) inches wide by seventeen (17) inches long by twelve-inch deep concrete hand hole with concrete cover marked "street lights" behind the sidewalk or next to the pole, in the sidewalk. All pull boxes shall have locks for the covers. Install a #6 copper wire through the one-inch PVC and ground below the top washer on one of the pole flanges with one-inch threaded nuts. In the same box provide 2 Fusetron GEB-II-II fuse holders with five (5) amp 250-volt midget fuses on the power conductors (black and red). All fuse holders shall be taped with a fifty percent (50%) overlay, and a minimum of three (3) layers. Two (2) coatings of "scotch coat" shall be applied to all taped connections, for waterproofing. At the luminaire leave twelve (12) inches of slack wire as a service loop. All wire shall be copper. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.7 The Main Wiring. System shall be one-inch schedule 40 PVC run behind the curb, or shall be trenched with a minimum depth of eighteen (18) inches, in the parkway and twenty-four (24) inches under any street, or be four (4) inches below four (4) inches of concrete. At all times there must be a one-inch separation between the installed conduit and the concrete above it. On regular curb installations, with cut out or depressed driveway approaches, conduits run behind the curb must not be installed in the approach pour. Concrete pull boxes sized eleven (II) inches by seventeen (17) inches by twelve (12) inches will be placed behind the sidewalk at each pole and placed in long runs at a distance of three hundred (300) feet. The same pull boxes will be used for street crossings and branch wiring terminations. A pull box must be installed on at least one side of each street crossing, and all street crossing shall be run at a ninety-degree angle with the main flow of the street. All Main wiring between the street lights, and the meter will be one (I) #8 THWN Black, one (I) #8 THWN Red, and one (1) #8 THWN Green. Midblock lights are fed by one (1) #8 THWN Blue, and one (I) #8 THWN Yellow, in the same conduit. All terminations and splices will have epoxy seal packs installed on each connection in the pull boxes. All terminations will be made up with 3M brand Blue wire nuts. Ground wires do not require epoxy seal packs. All wire shall be copper. When wire nuts are used in the luminaire installation they must be securely taped. All wiring shall be #8 to three (3) or more poles. When wiring under the LS-2 system with two (2) poles or less the wire shall be #12 to the hand holes and to the Point of Contact. Use approved fuse holders at Point of Contact with SCE. (~~Ord. 1014, May 1, 2012~~)-(Ord.1054, March 17, 2015)

8.50.090.8 The Circuitry and Voltage Drop. On the wire, shall not exceed five percent (5%) to the last light on the run or in any circumstance. The #8 THWN wire will have a breaker rated at fifty (50) amps and be a two-pole rated breaker. If a large number of lights are fed off one (1) pedestal and it is necessary to run two (2) radial circuits, install a second fifty-amp two-pole breaker to feed the second set of lights. The main switching of all lights will be the photocell at each light. Wire must be oversized to allow for voltage drop, use #6 THWN or #4 THWN when necessary. Circuit designs are about three thousand (3,000) plus feet for #8 THWN wire, and may extend to over four thousand (4,000) feet depending on connected load. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.9 The Meter Pedestal and Point of Contact. The meter pedestal will be an enclosed "traffic signal" type. It will be rated 120/240 - one (1) phase three-wire, and have four (4) jaws. The minimum amperage will be one hundred (100). The maximum AIC rating is 10,000 AIC. If the number of lights on one (1) circuit exceeds the capacity of the breaker, add a second one. If the number of lights exceeds a load of 100 amps, use a 200-amp meter with the same specifications. The meter pedestal will be fed from the nearest SCE pull box with three-inch schedule 40 PVC, verify location with the area SCE planner. If there is a landscape sprinkler clock, which controls solenoids only, no booster pumps, it may be added to the street light meter pedestal. This saves the need for two (2) different meters. All meter pedestals require three (3) one-inch PVC ninety-degree stub outs for future wiring of lighting or sprinkler timing clocks. The meter pedestal is only required with LS-3 street lights. Under LS-2 the Point of Contact is the nearest available SCE power, a hand hole, transformer pad or other junction point. When required the SCE meter coordination, SCE Service application, SCE fees, City of Beaumont electrical permit and the City of Beaumont service account setup is the responsibility of the Contractor. The Point of Contact for the LS-2 street lights shall be interconnected with SCE with two-inch schedule 40 PVC, with twenty-four-inch radius sweeps, thirty (30) inches of cover, and a 3/4-inch pull rope. Fuses shall be installed in the Point of Contact pull box, SCE will provide #2 wire to the first hand hole. A 5/8-inch copper-clad ground rod will be installed in the Point of Contact hand hole and the #8 ground wire will clamped to the rod with a "football or acorn style" ground clamp. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.10 Layout of Poles. Will be based on the following street width design:

A. 36, 40 and 44 foot streets. These are Local/Collector Streets, will be 70 watt or 100 watt luminaire, the standard is 100 watt. 70 watt will be used on interior streets of tracts at intersections, knuckles and cul-de-sacs.

1. For RESIDENTIAL streets the only lights to be installed are at intersections, knuckles, cul-de-sacs, or bends where other street lights are not visible. A midblock light shall be permitted in areas in which the block is longer than 1,000 feet. The lights will not be metered; they will be served under the LS-2 standard of SCE. They will be served from the nearest Point of Contact, a hand hole, transformer pad or other approved junction point. A 70-watt fixture is to be installed on a Type A twenty-three-foot pole with a mounting height of twenty-six feet. The arm is to be six (6) feet long. When installed the minimum average foot-candles on the lanes of travel will not be less than .37 foot-candles. The average divided by the minimum will be in a ratio of 6:1. The minimum foot-candles will be .06. See diagrams 9.A.1A for photometric layouts. Refer to pole standard 1, Type A. Additional lighting may be permitted per Section 8.50.090.11 for pedestrian conflict areas such as around parks, schools and public meeting places.

2. For COMMERCIAL streets only 200-watt fixtures and poles can be used. The minimum average foot-candles on the lanes of travel will not be less than .84 foot-candles. The average divided by the minimum will be in a ratio of 6:1. The minimum foot-candles will be .16. The maximum spacing will be two hundred twenty (220) feet with stagger or straight spacing. See diagram 9.A.2 for photometric layouts. Refer to pole standard 3, Type C-1 or Type C-2.

3. For RURAL streets the only lights to be installed are at intersections, knuckles, cul-de-sacs, bends, or other conflict areas as determined necessary by the Director of Planning. The lights will not be metered; they will be served under the LS-2 standard of SCE. They will be served from the nearest Point of Contact, a hand hole, transformer pad or other approved junction point. A 70-watt fixture is to be installed on a Type A twenty-three-foot pole with a mounting height of twenty-six feet. The arm is to be six (6) feet long. When installed the minimum average foot-candles on the lanes of travel will not be less than .37 foot-candles. The average divided by the minimum will be in a ratio of 6:1. The minimum foot-candles will be .06. See diagrams 9.A.1A for photometric layouts. Refer to pole standard 1, Type A.

B. *56 and 64 foot streets*. These are Divided Collector or Secondary Highways, will be 200- and 250-watt luminaire.

1. For RESIDENTIAL streets the minimum average foot-candles on the lanes of travel will not be less than .66 foot-candles. The average divided by the minimum will be in a ratio of 4:1. The minimum foot-candles will be .16. The maximum spacing will be two hundred forty (240) feet with a straight or stagger spacing. Use a 200-watt luminaire. See diagram 9.B.1 for photometric layouts. Refer to pole standard 3, Type C-1 or Type C-2.

2. For COMMERCIAL streets the minimum average foot-candles on the lanes of travel will not be less than 1.12 foot-candles. The average divided by the minimum will be in a ratio of 4: 1. The minimum foot-candles will be .28. The maximum spacing will be two hundred (200) feet with a stagger or straight spacing. Use a 250-watt luminaire. See diagram 9.B.2 for photometric layouts. Refer to pole standard 3, Type C-1 or Type C-2.

3. For RURAL streets the only lights to be installed are at intersections, knuckles, cul-de-sacs, bends, or other conflict areas as determined necessary by the Director of Planning. When installed the minimum average foot-candles on the lanes of travel will not be less than 1.12 foot-candles. The average divided by the minimum will be in a ratio of 4: 1. The minimum foot-candles will be .28. Use a 250-watt luminaire. Refer to pole standard 3, Type C-1 or Type C-2.

C. *76 foot and wider streets*. These are Major or Arterial Highway or urban alternate streets, will be 250- and 400-watt luminaire.

1. For RESIDENTIAL streets the minimum average foot-candles on the lanes of travel will not be less than .84 foot-candles. The average divided by the minimum will be at a ratio of 3: 1. The minimum foot-candles will be .28. The maximum spacing will be two hundred (200) feet with a stagger or straight spacing. Use a 200-watt luminaire. See diagram 9.C.1 for photometric layouts. Refer to pole standard 3, Type C-1 or Type C-2.

2. For COMMERCIAL streets the minimum average foot-candles on the lanes of travel will not be less than 1.3 foot-candles. The average divided by the minimum will be at a ratio of 3: 1. The minimum foot-candles will be .40. The maximum spacing will be one hundred eighty (180) feet with a stagger or straight spacing. Use a 250-watt luminaire. See diagram 9.C.2 for photometric layouts. Refer to pole standard 3, Type C-1 or Type C-2.

3. If the street has a raised median, the preferred placement of the luminaries is doubled up on the poles mounted in the median. This is the most economical and best layout. This would be when a developer is responsible for the whole street width improvement.

4. If the street has a painted median, the placement of the luminaries is on the sides of the streets, not in the painted median. This is when the developer is responsible for one-half (1/2) the street improvement and the other half is a different developer's responsibility.

5. For RURAL streets the only lights to be installed are at intersections, knuckles, cul-de-sacs, bends, or other conflict areas as determined necessary by the Director of Planning. When installed the minimum average foot-candles on the lanes of travel will not be less than 1.3 foot-candles. The average divided by the minimum will be at a ratio of 3: 1. The minimum foot-candles will be .40. Use a 250-watt luminaire. Refer to pole standard 3, Type C-1 or Type C-2. (~~Ord. 1014, May 1, 2012, Ord. 1029, December 18, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.11 Layout of Poles at Pedestrian Conflict Areas for Residential Neighborhoods. Will include but are not limited to intersections, marked crosswalks, cul-de-sacs, knuckles, areas around parks, schools and public meeting places. Where Type A poles are required, the layout will be twenty-six-foot poles with 70-watt luminaries spaced at one hundred ninety (190) feet, straight or stagger spacing, with all mid-block lights installed. The minimum average foot-candles are .37 foot-candles on all lanes of traffic. The average divided by the minimum will be at a ratio of 6: 1. The minimum foot-candles shall not be less than .06 foot-candles. When required foot candles cannot be meet due to wider streets a Type D (100-watt) pole shall be allowed with a maximum spacing of two hundred forty (240) feet with a stagger or straight spacing. See diagrams 9.A.1B for photometric layouts. Refer to pole standard 2, Type D. (~~Ord. 1014, May 1, 2012, Ord. 1029, December 18, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.12 Special Decorative Fixtures. Will follow the same foot-candle requirements and must be separately calculated for the proper spacing. Due to our dark sky policy, the City of Beaumont Public Works Director or his or her designee must approve all substitutions to prevent any lighting above ninety (90) degrees. All decorative shall be called Type B. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.13 Placement at Intersections. The poles are to be installed at the back of curb radius, not ever in a radii of the corner. All poles shall be five (5) feet from a driveway approach, fire hydrant, traffic light, crossing signals, or any street signage or safety marker. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.14 Location of Poles. Poles are to be placed at or as near as possible to property lines on all residential streets. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.15 Substitutions. All specifications are subject to "or equal" substitutions, and must be approved in advance by the City of Beaumont Public Works Director or his or her designee. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.16 Street Light Curfew. All mid-block lights on fifty-six-, sixty-four- and seventy-six-foot roads will be turned off by a electronic time clock at the meter pedestal. The time clock will be rated 30 amps and have a 30- amp two-pole breaker installed to feed the time clock. The specified clock model is # ETI04C Intermatic or equal. All lights will still have a photocell and the time clock will control the operation of the photocell. Two (2) extra #8 wires

will be pulled in these conduits (1-#8 THWN Blue, and 1-#8 THWN Yellow). No deviation from the color code will EVER be allowed. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.17 The Street Types and Layout Requirements are as follows:

**MINIMUM AVERAGE HORIZONTAL FOOT CANDLES**

Types of Street	Width of Street	Commercial	Residential
Major or Arterial Highway or Urban Alternate	76 Feet and Wider	1.3 fc (3: 1) Ratio	0.84 fc (3: 1) Ratio
Divided Collector Street or Secondary Highway	56 and 64 Feet	1.2 fc (4: 1) Ratio	0.66 fc (4: 1) Ratio
Local and Collector Streets	36, 40 and 44 Feet	0.84 fc (6: 1) Ratio	0.37 fc (6: 1) Ratio

Note 1: Ratio is overall average foot-candles divided by the minimum foot-candles.

Note 2: Special layout on the Local and Collector Streets for residential applications. See #9 A.I and # 10 above for more information.

(~~Ord. 1014, May 1, 2012~~)-(Ord.1054, March 17, 2015)

8.50.090.18 Plans. All standards are subject to substitution of brand name for an approved equal. These specifications are a guideline. Street improvement plans must be submitted to the City of Beaumont Public Works Department. The conduit routing, meter pedestals, pole height, and luminaire wattage will be clearly marked on one set. The City will prepare an estimate for the entire street lighting system and include a plan check and inspection fee to the developer. The developer will then provide the preliminary SCE plans to the Public Works Department, which will be compared and marked for SCE as to the location of LS-2 street lights. The final set of mylar street light plans will be prepared by the City and signed by the City Engineer. One (1) set of regular paper plans will be returned to the developer and the mylar set kept by the City as a record copy. Approximately six (6) weeks or longer before the streetlights are needed all fees from the City's estimate shall be paid, in full to the City. The streetlights will not be ordered or any work scheduled until all fees are received. At the completion of the project or phase a Reconciliation of Fees will be prepared and any unused monies will be returned to the developer, likewise any additional charges will be assessed, if necessary. The developer is responsible to pay the fees timely. No release of bonds will occur until all fees are paid. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

8.50.090.19 Inspection. The developer shall provide the Cityinspector with an onsite signed set of plans for inspection purposes. All sites shall have "Dig Alert" called forty-eight (48) hours prior to excavation and encroachment permits from the City when necessary. (~~Ord. 1014, May 1, 2012~~)-(Ord.1054, March 17, 2015)

8.50.090.20 Monthly O & M Charges. On all private street systems the City will charge the owner or Home Owners Association for the street lighting usage based on the SCE LS-I rates. These charges will be monthly and will include an energy charge, a service charge and a maintenance charge. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

**8.50.095**      **Diagrams and Exhibits.** All Diagrams and Exhibits referenced in this chapter shall be kept on file in the Office of the Director of Planning. (~~Ord. 1029, December 18, 2012~~)(Ord.1054, March 17, 2015)

**8.50.100**      **Administration and Enforcement.**

**8.50.100.1 Generally.** The Planning Director or his or her designee shall administer and enforce the provisions of this Chapter. Any person who wishes to appeal any order, decision or determination made by the Planning Director or his or her designee shall do so in accordance with this Chapter. From time-to-time the Planning Director or his or her designee may recommend, and the City Council may adopt by resolution, as deemed necessary, appropriate fees, rules and regulations to implement the provisions of this Chapter. Such rules and regulations shall have the force of law and failure to comply shall be considered a violation of this Chapter. Such rules and regulations shall be implemented with the intent of minimizing light pollution, glare and trespass, and reducing energy use. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

**8.50.100.2 Lighting Plan.** Outdoor lighting plans shall be submitted, accompanied by application, review and inspection fees, to the Planning Director or his or her designee for all commercial, industrial, institutional and residential development for review. The Planning Director or his or her designee shall determine whether the plans comply with the applicable provisions of this Chapter, and shall be approved if in compliance, except that applications for outdoor lighting in the Special Use Zone may be subject to review and approval of a Conditional Use Permit by the Planning Commission. (~~Ord. 1014, May 1, 2012~~)(Ord.1054, March 17, 2015)

**8.50.100.3 Appeal.** An applicant may appeal the determination of the Planning Director or his or her designee within fifteen (15) days to the Planning Commission.. The applicant may appeal the Planning Commission's decision to deny or conditionally-approve a CUP within fifteen (15) days thereafter to the City Council, and the City Council's determination shall be final and conclusive for all proposes. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

**8.50.100.4 Variance for Non-Conforming Lighting.** In the event the Planning Director or his or her designee determines that a non-conforming lighting fixtures results in light trespass, the responsible party shall shield, filter, redirect or replace the light with a less intense light source, or remove the light to eliminate the light trespass. Corrective action shall be taken within ten (10) days after the determination. The Planning Director or his or her designee may grant additional time (not to exceed ninety (90) days) to remedy the light trespass for hardship ("hardship" shall mean that there is a degree of difficulty in accessibility to the fixture, financial difficulty or cost of correcting the light trespass). A variance may be granted only if the following findings supported by substantial evidence can be made:

- a. There are special circumstances or conditions applying to the land, building or outdoor light fixture(s) for which the variance is sought, which circumstances or conditions are peculiar to such land, building or outdoor light fixtures and do not generally apply to the land, buildings or outdoor light fixtures in the neighborhood; and
- b. The granting of a variance will generally be in harmony with the intent of this Chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Planning Director shall make a determination of the variance request and notify the applicant in writing of his/her decision. The Planning Director's determination may be appealed by any person to the Planning Commission within fifteen (15) days of the decision. Alternatively, the Planning Director may forward the request to the Planning Commission because of the degree of light trespass, the cost of correction or other similar issues. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

**8.50.100.5** Violations and Penalties. It shall be unlawful for any person to install, erect, construct, operate, enlarge, alter, replace, move, improve or convert any outdoor lighting fixtures or structure, or cause the same to be done, contrary to or in violation of any provision of this Chapter.

a. Any person who violates the provisions of this Chapter shall first receive a correction notice for the first violation in any given calendar year. The notice shall specify the nature of the offense, the date of occurrence and the required correction.

b. In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of \$1,000.00, or six (6) months in jail, or both. (~~Ord. 1014, May 1, 2012~~) (Ord.1054, March 17, 2015)

## **CHAPTER 8.54** **REGULATION OF ABANDONED RESIDENTIAL PROPERTIES**

### **Sections:**

8.54.010	Findings
8.54.020	Purpose
8.54.030	Definitions
8.54.040	Registration/Fees
8.54.050	Maintenance Requirements
8.54.060	Security Requirements
8.54.070	Enforcement, Violations and Penalties

**8.54.010** Findings The City Council finds that abandoned and distressed residential properties pose a risk to the public peace, health and safety of the citizens of the City of Beaumont because the detrimental effects from the lack of security and maintenance of abandoned and distressed residential properties include dangerous attractive nuisances, increased opportunities for crimes such as squatting, vandalism and burglaries, discouraging buyers from purchasing neighboring homes, lowering property values, and physical and economic blight.



**8.54.020**     **Purpose**     The purpose of this Ordinance is to establish uniform and reasonable regulations to prevent the detrimental effects associated with abandoned and distressed residential properties.

**8.54.030**     **Definitions**     As used in this Ordinance, the following terms shall have the following meanings:

A.     **“Abandoned Property”**: a residential property that is vacant and is under a current Notice of Default and/or Notice of Trustee’s Sale, pending Tax Assessor’s Lien Sale, or a property that has been the subject of a foreclosure sale where the title was retained by or transferred to the beneficiary of the deed of trust involved in the foreclosure, or a property transferred under a deed in lieu of foreclosure/sale.

B.     **“Neighborhood Standard”**: those conditions that are present on a simple majority of properties within a 300 foot radius of an individual abandoned property. An abandoned property that is the subject of a neighborhood standard comparison, or any other abandoned property within the 300 foot radius, shall not be counted toward the simple majority.

C.     **“Out-of-Area”**: shall mean in excess of 40 road/driving miles distance of the subject property.

D.     **“Owner”**: any person, co-partnership, association, corporation or fiduciary having a legal or equitable title or any interest in any real property.

**8.54.040**     **Registration/Fees**     Any beneficiary/trustee who holds a deed of trust on a property located within the City of Beaumont shall perform an inspection of the property that is the security for the deed of trust upon default by the trustor and prior to recording a Notice of Default in the Riverside County Recorder’s Office.

A.     If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the beneficiary/trustee shall, within 10 days of the inspection, register the property with the City Building and Safety Department on forms provided by the Department.

B.     The registration shall contain the name of the beneficiary/trustee (corporation or individual), the direct street/office mailing address of the beneficiary/trustee (no post office box numbers), a direct contact name and phone number for the beneficiary/trustee and, in the case of a corporation or out-of-area beneficiary/trustee, the name, address and telephone number of the local property maintenance company responsible for the security, maintenance and marketing of the property. Any change of the information in the registration required hereunder shall be reported within 10 days of the change.

C.     The City Council shall establish a registration fee by minute order. An annual registration fee shall accompany the registration form. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1 of the each year and must be received no later than January 31 of the year due. Registration fees will not be prorated.

D. Abandoned properties shall remain subject to the annual registration, maintenance, security and sign requirement of this Ordinance as long as they remain abandoned.

**8.54.050 Maintenance Requirements** Abandoned properties shall be maintained in a manner comparable to the neighborhood standard. At a minimum:

A. Abandoned properties shall be maintained so as to be kept free of evidence of vacancy.

B. Abandoned properties shall be maintained free of graffiti by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

C. Maintenance of abandoned property shall include landscape maintenance of visible front and side yards.

D. Pools and spas shall either be kept in working order so the water remains clear, or drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the State of California.

E. Adherence to the foregoing requirements do not relieve the beneficiary/trustee or property owner of any obligations under any covenants, conditions and restrictions and/or home owners association rules and regulations which may apply to the abandoned property.

**8.54.060 Security Requirements** Abandoned properties shall be secured with such measures as may be directed by a City Code Enforcement Officer that assist in rendering the property inaccessible to unauthorized persons. In the case of broken windows, “secured” includes re-glazing or boarding of such windows. Boarding shall be completed to a minimum of the current HUD securing standards in effect at the time the boarding is completed or required, and shall additionally require painting the boards with an exterior grade paint that matches the color of the structure.

**8.54.070 Enforcement, Violations and Penalties** The City Code Enforcement Officer shall have the primary responsibility for enforcing this Ordinance. Violations of this Ordinance shall be treated as a strict liability offense regardless of intent. Nothing herein shall prevent the Code Enforcement Officer from engaging in efforts to obtain voluntary compliance by means of warnings, notices or educational programs.

Administrative fines for each violation shall not exceed the amounts set forth in Section 1.16.030 of the Beaumont Municipal Code.

If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the administrative fine shall increase at the rate specified above; provided, however, that the administrative fines shall not exceed \$1,000.00 for each day, or portion thereof, that the violation continues to exist.

The administrative fines assessed hereunder shall be payable to the City of Beaumont. Payment of administrative fines shall not excuse the failure to correct the violation nor shall payment be a bar to further enforcement action.