

**HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HOUSING AUTHORITY
COMMUNITY DEVELOPMENT COMMISSION
WATER DISTRICT
AGENDA**

Regular Joint Meetings
1st and 3rd Tuesday

Date: January 5, 2021
REGULAR MEETING

Time: 5:30 P.M. (Closed Session)
6:30 P.M. (Regular Meeting)

CITY COUNCIL MEMBERS

Cameron Gregg, Mayor

Brigit Bennington, Mayor Pro Tem

Larry Bird, Council Member

William J. Holland, Council Member

Rebekah Swanson, Council Member

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Nils Bentsen, City Manager

Eric L. Dunn, City Attorney



City of Hesperia

Council Chambers
9700 Seventh Avenue
Hesperia, CA 92345

City Clerk's Office: (760) 947-1007

***Agendas and Staff Reports are
available on the City Website***
www.cityofhesperia.us

Documents produced by the City and distributed less than 72 hours prior to the meeting, regarding items on the agendas, will be made available in the City Clerk's Office located at 9700 Seventh Avenue during normal business hours.

***See page (3) for details on public meeting guidelines during the
COVID-19 (Coronavirus) Pandemic**



NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 947-1007 or (760) 947-1026. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.



Remote Access to City of Hesperia Council Meeting:

In accordance with new community guidelines from local, state and federal public health agencies, the City of Hesperia will allow for remote participation at City Council meetings. The public will not be permitted to attend the meetings within the council chambers, but may submit comments verbally via telephone by calling ahead of time and recording a message with the City Clerk's office at (760)947-1007.

As always, the public may view the City Council meetings live on the City of Hesperia's website at www.cityofhesperia.us.

Remote Public Comment:

During the City Council meeting, public comments will be accepted in advance by calling and leaving a recorded message at (760)947-1007. If you would like to comment remotely, please follow the protocols below:

- Call (760)947-1007 to leave a detailed message of your public comment.
- Identify your name and the item you wish to comment on in your message.

- Contact information in your voicemail is optional, but will allow staff to easily follow up with you if necessary.
- Comments on each Consent Calendar/New Business/ Public Hearing item will be accepted after the start of the meeting and up to when the Mayor announces that public comment for that item is closed.
- Each public comment received by voicemail will be played by a staff member for up to three (3) minutes for Consent Calendar/New Business items and up to five (5) minutes for Public Hearing items.

Public comments received outside of the comment period outlined above will not be included in the record.

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT**

9700 7th Avenue, Council Chambers, Hesperia, CA 92345

As a courtesy, please silence your cell phones and other electronic devices while the meeting is in session. Thank you.

Prior to action of the Council, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar.

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

CLOSED SESSION - 5:30 PM

Roll Call

*Mayor Cameron Gregg
Mayor Pro Tem Brigit Bennington
Council Member Larry Bird
Council Member William J. Holland
Council Member Rebekah Swanson*

Conference with Legal Counsel - Potential Litigation:
Government Code Section 54956.9(d)2

1. One (1) case

Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)1

1. Victor Valley Wastewater Reclamation Authority v. City of Hesperia (Claim for Damages)

CALL TO ORDER - 6:30 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

*Mayor Cameron Gregg
Mayor Pro Tem Brigit Bennington
Council Member Larry Bird
Council Member William J. Holland
Council Member Rebekah Swanson*

D. Agenda Revisions and Announcements by City Clerk**E. Closed Session Reports by City Attorney****ANNOUNCEMENTS/PRESENTATIONS**

1. Presentation to the City Council by San Bernardino County Fire Chief Munsey and Assistant Division Chief Corbin on the Nurse Triage System

JOINT CONSENT CALENDAR

1. Page 7 Consideration of the Draft Minutes from the Regular Meeting held Tuesday, December 15, 2020.

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, December 15, 2020.

Staff Person: Director of Government Services/City Clerk Melinda Sayre

Attachments: [Draft CC Min 2020-12-15](#)

2. Page 13 Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

Staff Person: Director of Finance Casey Brooksher

Attachments: [SR Warrant Run 1-5-2021](#)
[Attachment 1 - Warrant Run](#)

PUBLIC HEARING

Individuals wishing to comment on public hearing items must submit a speaker slip to the City Clerk with the numbered agenda item noted. Speaker slips should be turned in prior to an agenda item being taken up. Comments will be limited to five minutes for Public Hearing items.

WAIVE READING OF ORDINANCES

Approve the reading by title of all ordinances and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

- 3. Page 15** Consideration of Residential and Non-Residential Commercial Vehicle/Truck Parking Standards and Truck Routes and Adopt Amended City-wide Fee Schedules and Bail Schedules related to the Commercial Truck Parking program

Recommended Action:

It is recommended that the City Council introduce and place on first reading Ordinance No. 2020-13 amending Title 16 of the Hesperia Municipal Code related to residential and non-residential Commercial Vehicle/Truck parking standards; amending Title 10 of the Hesperia Municipal Code related to a truck route program; and adopt Resolution No. 2020-78 rescinding Resolution No. 2003-17 and establishing new truck routes within the City; and

Adopt Joint Resolution No. 2021-01, Resolution No. HWD 2021-01, Resolution No. HHA 2021-01, and Resolution No. HCDC 2021-01 amending the City-wide fee schedule related to the fees for the Commercial Truck Parking program; and

Adopt Resolution No. 2021-02 amending the City-wide bail schedule related to the Commercial Truck Parking program.

Staff Person: Assistant City Manager Michael Blay and Administrative Analyst Tina Bulgarelli

Attachments: [SR Commercial Vehicle Parking Standards and Truck Routes 1-5-2021](#)
[Ordinance 2020-13](#)
[Attachment 2 - Exhibit A Residential Parking Standards](#)
[Attachment 3 - Exhibit B Non Residential Parking Standards](#)
[Attachment 4 - Exhibit C Truck Routes Program](#)
[Resolution 2020-78](#)
[Attachment 6 - Exhibit B Proposed Truck Routes](#)
[Joint Resolution 2021-01](#)
[Attachment 8 - Exhibit A](#)
[Resolution 2021-02](#)
[Attachment 10 - Exhibit B](#)

- 4. Page 39** Consideration of the Maintenance and Licensing of Rental Properties and Amendment of the City-wide Fee Schedule and Bail Schedule Related to Rental Housing Business License Registration

Recommended Action:

It is recommended that the City Council introduce and place on first reading Ordinance No. 2020-14 amending Title 5 of the Hesperia Municipal Code related to the maintenance and licensing of rental properties within the City of Hesperia; and

Adopt Joint Resolution No. 2021-01, Resolution No. HWD 2021-01, Resolution No. HHA 2021-01, and Resolution No. HCDC 2021-01 amending the City-wide fee schedule related to the fees for the Rental Housing Business License program.; and

Adopt Resolution No. 2021-02 amending the City-wide bail schedule related the Rental Housing Business License program.

Staff Person: Assistant City Manager Michael Blay and Administrative Analyst Tina Bulgarelli

Attachments: [SR Rental Housing Program 1-5-2021](#)
[Ordinance 2020-14](#)
[Attachment 2 - Exhibit A Chapter 5.72 Rental Housing Business License](#)
[Attachment 3 - Exhibit B Chapter 1.04 Rental Housing Definitions](#)
[Joint Resolution 2021-01](#)
[Attachment 5 - Exhibit A Fee Schedule](#)
[Resolution 2021-02](#)
[Attachment 7 - Exhibit A Bail Schedule](#)

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

Individuals wishing to speak during General Public Comments or on a particular numbered item are requested to submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the joint agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

COUNCIL COMMITTEE REPORTS AND COMMENTS

The Council may report on their activities as appointed representatives of the City on various Boards and Committees and/or may make comments of general interest or report on their activities as a representative of the City.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

The City Manager, City Attorney or staff may make announcements or reports concerning items of interest to the Council and the public.

ADJOURNMENT

I, Melinda Sayre, City Clerk of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Wednesday, December 30, 2020 at 5:30 p.m. pursuant to California Government Code §54954.2.

*Melinda Sayre,
City Clerk*

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding items on the agenda will be made available in the City Clerk's Office during normal business hours.

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City of Hesperia

Meeting Minutes - Draft

City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, December 15, 2020

6:30 PM

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT
December 15, 2020, 6:30 PM
9700 7th Avenue, Council Chambers, Hesperia, CA 92345**

Pursuant to State recommendations, the meeting was closed to the public due to COVID-19 (Coronavirus). Public Comment on agenda items and General Public Comment was taken remotely.

CLOSED SESSION - 6:00 PM (City Manager's Conference Room)

Roll Call

Present: 5 - Mayor Gregg, Mayor Pro Tem Bennington, Council Member Bird, Council Member Holland and Council Member Swanson

Conference with Real Property Negotiators – Property Negotiations
Government Code Section – 54956.8

1. Negotiating Parties: Covington Group and City of Hesperia
Location: APN: 3039-311-03, 05, and 06; 3039-341-01, 02, 05, and 06
Under Negotiation: Price and Terms

CALL TO ORDER - 6:30 PM

- A. Invocation**
- B. Pledge of Allegiance to the Flag**
- C. Roll Call**

Present: 5 - Mayor Gregg, Mayor Pro Tem Bennington, Council Member Bird, Council Member Holland and Council Member Swanson

D. Agenda Revisions and Announcements by City Clerk – A green sheet item was provided to City Council for clarification for item 10.

E. Closed Session Reports by City Attorney – No reportable action taken

JOINT CONSENT CALENDAR

A motion was made by Holland, seconded by Bird, that the Consent Calendar be approved. The motion carried by the following vote:

Aye: 5 - Gregg, Holland, Swanson, Bird and Bennington

Nay: 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, December 1, 2020

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, December 1, 2020.

Sponsors: Director of Government Services/City Clerk Melinda Sayre

2. Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Fire - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

Sponsors: Director of Finance Casey Brooksher

3. Treasurer's Cash Report for the unaudited period ended October 31, 2020

Recommended Action:

It is recommended that the Council/Board accept the Treasurer's Cash Report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

Sponsors: Director of Finance Casey Brooksher

4. Annual 2021-22 Recognized Obligation Payment Schedule

Recommended Action:

It is recommended that the Successor Agency adopt Resolution No. SA 2020-01, approving the Annual 2021-22 Recognized Obligation Payment Schedule (ROPS), including the Successor Agency's FY 2021-22 Administrative Budget and authorize staff to present the ROPS to the Oversight Board for its consideration and approval.

Sponsors: Director of Finance Casey Brooksher

5. Landscape Maintenance Agreements with the State of California Department of Transportation (Caltrans) and Pipeline Petroleum Banning, LLC.

Recommended Action:

It is recommended that the City Council approve the Landscape Maintenance Agreements with the State of California Department of Transportation (Caltrans) and Pipeline Petroleum Banning, LLC for the installation and maintenance of landscaping within the State right-of-way along Highway 395.

Sponsors: Senior Planner Ryan Leonard

6. Interactive Voice Response, Online Bill Pay, and Presentment Services for Water/Sewer Utility Bills

Recommended Action:

It is recommended that the City Council and Board of Directors of the Hesperia Water District (District) authorize the City Manager to enter into a three (3) year agreement with InfoSend, Inc. (InfoSend) in an amount not to exceed \$150,000, for an interactive voice response system (IVR) with online bill payment and presentment services for water/sewer utility bills.

Sponsors: Director of Finance Casey Brooksher

7. Land Management System Maintenance and Licensing Contract

Recommended Action:

It is recommended that the City Council authorize the City Manager to enter into a two-year agreement with CentralSquare in an amount not-to-exceed \$111,320 to provide licensing, support, and maintenance of the City's current land management system (TrakIt).

Sponsors: IT Manager Victor Knight and Deputy City Manager Rachel Molina

8. Award contract to Nobel Systems for unlimited mobile licenses with Geoviewer, including Valve Exercise and Dig Alert modules

Recommended Action:

It is recommended that the City Council and Board of Directors of the Hesperia Water District (HWD) authorize the City Manager to enter into a three-year contract in the not-to-exceed amount of \$32,300 for unlimited mobile licenses for the City's Geographic Information System (GIS) program, Geoviewer.

Sponsors: Public Works Superintendent Jeremy McDonald and Public Works Manager Mark Faherty

PUBLIC HEARING

9. Substantial Amendment to the Community Development Block Grant (CDBG) 2017-2018 and 2018-2019 Annual Action Plans

Recommended Action:

It is recommended that the City Council: 1) Conduct a public hearing and upon accepting public testimony, adopt Resolution No. 2020-80 including any modifications or amendments thereto 2) Approve a Substantial Amendment to the Community Development Block Grant ("CDBG") 2017-2018 and 2018-2019 Annual Action Plans ("Action Plans") by canceling the 2017-2018 and 2018-2019 Downtown Revitalization Commercial Façade Improvement Programs in the combined amount of \$304,490 and repurposing these funds to the Microenterprise Assistance Program (MAP); and 3) Authorize the City Manager and/or designee to execute and transmit all necessary documents, including the Substantial Amendment to the Action Plans, and any additional amendments, to ensure the City's timely expenditure of CDBG funds.

Sponsors: Economic Development Manager Rod Yahnke

The public hearing was opened, there being no public comment the public hearing was closed.

A motion was made by Bennington, seconded by Holland, that this item be approved. The motion carried by the following vote:

Aye: 5 - Bird, Gregg, Bennington, Holland and Swanson

Nay: 0

10. Consideration of Relief to Hesperia Businesses by Waiver of Business License Renewal Fees for Businesses Impacted by COVID-19 and Adoption of Amended City-Wide Fee Schedule

Recommended Action:

It is recommended that the City Council and Board Members of the respective subsidiary districts approve relief to Hesperia Businesses by waiver of business license renewal and administrative fees to those

impacted by COVID-19 and the state's stay-at-home orders; and hold a public hearing and adopt Joint Resolution No. 2020-79, Resolution No. HWD 2020-28, Resolution No. HHA 2020-012, and Resolution No. HCDC 2020-06 amending the City-wide fee schedule.

Sponsors: Assistant City Manager Michael Blay and Administrative Analyst Tina Bulgarelli

The public hearing was opened, there being no public comment the public hearing was closed.

A motion was made by Holland, seconded by Bennington, that this item be approved with the exception of the Animal Control services portion of the amended fee. The motion carried by the following vote:

Aye: 5 - Bird, Gregg, Bennington, Holland and Swanson

Nay: 0

NEW BUSINESS

11. City Council Appointments to Outside Agencies

Recommended Action:

It is recommended that the City Council follow past practice and appoint liaisons (both primary and alternate) to various outside agencies for a one-year period to commence in January 2021.

Sponsors: Director of Government Services/City Clerk Melinda Sayre

A motion was made by Holland, seconded by Bennington, that this item be approved. The motion carried by the following vote:

Aye: 5 - Bird, Gregg, Bennington, Holland and Swanson

Nay: 0

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

Bob Nelson commented on free speech at public meetings, Earl Hodson commented on traffic issues in Hesperia, Kelly Gregg commented on Weed Abatement.

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Swanson commented on attendance at the SBCTA meeting and proud of having served in the SBCTA.

Council Member Holland commented on committee appointments, Covid-19, and happy holidays.

Mayor Pro Tem Bennington commented on Class of 2021 upcoming graduations, weed abatement, upcoming attendance at the Tri-Agency meeting, thanked staff for their hard work, and happy holidays.

Council Member Bird commented on elections, Class of 2021, Covid-19, and happy holidays.

Mayor Gregg commented on opening up businesses and impacts on the economy, 2020 Chamber awards recipients, and happy holidays.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

Happy Holidays.

ADJOURNMENT

Meeting was adjourned at 9:05 p.m. in honor of Mayor Pro Tem Bennington's mother's 84th birthday and high school student Ethan's 18th birthday.

*Melinda Sayre,
City Clerk*

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City of Hesperia

STAFF REPORT



DATE: January 5, 2021

TO: Mayor and Council Members
City Council, Serving as Successor Agency to the Hesperia
Community Redevelopment Agency
Chair and Commissioners, Hesperia Housing Authority
Chair and Commissioners, Community Development Commission
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Casey Brooksher, Director of Finance
Anne Duke, Deputy Finance Director
Keith Cheong, Financial Analyst

SUBJECT: Warrant Run Report (City – Successor Agency – Housing Authority –
Community Development Commission – Water)

RECOMMENDED ACTION

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

BACKGROUND

The Warrant Run totals represented below are for the period November 21, 2020 through December 4, 2020.

| <u>Agency/District</u> | <u>Accounts Payable</u> | <u>Payroll</u> | <u>Wires</u> | <u>Totals</u> |
|----------------------------------|-------------------------|---------------------|---------------------|-----------------------|
| City of Hesperia | \$1,780,346.28 | \$204,283.96 | \$314,325.00 | \$2,298,955.24 |
| Successor Agency | 2,755.00 | 0.00 | 0.00 | 2,755.00 |
| Housing Authority | 359.50 | 336.74 | 0.00 | 696.24 |
| Community Development Commission | 0.00 | 0.00 | 0.00 | 0.00 |
| Water | 114,799.96 | 100,334.90 | 0.00 | 215,134.86 |
| Totals | \$1,898,260.74 | \$304,955.60 | \$314,325.00 | \$2,517,541.34 |

The wire amount for \$314,325.00 is to Commonwealth Land Title Company for the City of Hesperia Land Purchase of APN 0397-201-12 for the Ranchero Road Aqueduct Crossing Project.

ATTACHMENT(S)

1. Warrant Runs

City of Hesperia
WARRANT RUNS
11/21/2020 - 12/04/2020

Attachment 1

| FUND # | FUND NAME | W/E 11/27/2020 | W/E 12/4/2020 | WARRANT TOTALS | Wires | YEAR-TO DATE TOTALS * | PRIOR FY YTD DATE TOTALS |
|-------------------------|---|-------------------|------------------|-------------------|---------------|-----------------------------|--------------------------------|
| Accounts Payable | | | | | | | |
| 100 | GENERAL | \$ 84,068.03 | \$ 1,478,569.33 | \$ 1,562,637.36 | \$ - | \$ 11,416,724.79 | \$ 11,102,594.09 |
| 200 | HESPERIA FIRE DISTRICT | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 700.00 |
| 204 | MEASURE I - RENEWAL | \$ - | \$ 35,318.73 | \$ 35,318.73 | \$ - | \$ 340,236.88 | \$ 10,949.71 |
| 207 | LOCAL TRANSPORT-SB 325 | \$ - | \$ - | \$ - | \$ - | \$ 16,902.70 | \$ 142,052.11 |
| 209 | GAS TAX-RMRA | \$ - | \$ - | \$ - | \$ - | \$ 2,086,913.29 | \$ 1,495,086.16 |
| 210 | HFPD (PERS) | \$ - | \$ - | \$ - | \$ - | \$ 975,994.00 | \$ 874,510.00 |
| 251 | CDBG | \$ - | \$ 29,182.80 | \$ 29,182.80 | \$ - | \$ 582,888.02 | \$ 679,036.63 |
| 254 | AB2766 - TRANSIT | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 103,315.07 |
| 256 | ENVIRONMENTAL PROGRAMS GRANT | \$ 1,977.80 | \$ (7.35) | \$ 1,970.45 | \$ - | \$ 9,486.37 | \$ 6,772.49 |
| 257 | NEIGHBORHOOD STABILIZATION PROG | \$ - | \$ - | \$ - | \$ - | \$ 5,404.88 | \$ 47,835.15 |
| 260 | DISASTER PREPARED GRANT | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,318.08 |
| 263 | STREETS MAINTENANCE | \$ 1,926.38 | \$ 56,843.40 | \$ 58,769.78 | \$ - | \$ 1,259,525.65 | \$ 963,348.46 |
| 300 | DEV. IMPACT FEES - STREET | \$ - | \$ - | \$ - | \$ 185,137.40 | \$ 248,576.05 | \$ 35,887.34 |
| 301 | DEV. IMPACT FEES - STORM DRAIN | \$ - | \$ - | \$ - | \$ - | \$ 42,296.25 | \$ 217,027.86 |
| 402 | WATER RIGHTS ACQUISITION | \$ - | \$ - | \$ - | \$ - | \$ 1,059,536.83 | \$ 1,018,915.04 |
| 403 | 2013 REFUNDING LEASE REV BONDS | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 561,569.37 |
| 501 | CFD 91-3 BELGATE | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 837,793.25 |
| 504 | CITY WIDE STREETS - CIP | \$ - | \$ - | \$ - | \$ 129,187.60 | \$ 212,897.50 | \$ 120,406.96 |
| 509 | CITY FACILITIES CIP | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 39,189.17 |
| 800 | EMPLOYEE BENEFITS | \$ 24,128.16 | \$ 67,612.70 | \$ 91,740.86 | \$ - | \$ 3,126,868.17 | \$ 3,304,092.45 |
| 801 | TRUST/AGENCY | \$ - | \$ 661.30 | \$ 661.30 | \$ - | \$ 1,055,119.68 | \$ 314,799.58 |
| 802 | AD 91-1 AGENCY | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 804 | TRUST-INTEREST BEARING | \$ - | \$ 65.00 | \$ 65.00 | \$ - | \$ 65.00 | \$ - |
| 807 | CFD 2005-1 | \$ - | \$ - | \$ - | \$ - | \$ 1,484,406.01 | \$ 17,741.33 |
| 808 | HFPD (TRANSITION) | \$ - | \$ - | \$ - | \$ - | \$ 349,739.56 | \$ 1,668,935.57 |
| | CITY | \$ 112,100.37 | \$ 1,668,245.91 | \$ 1,780,346.28 | \$ 314,325.00 | \$ 24,273,581.63 | \$ 23,563,875.87 |
| 163 | REDEVELOP OBLIG RETIREMENT-2018 | \$ - | \$ 2,755.00 | \$ 2,755.00 | \$ - | \$ 7,586,988.44 | \$ 7,752,150.38 |
| | SUCCESSOR AGENCY | \$ - | \$ 2,755.00 | \$ 2,755.00 | \$ - | \$ 7,586,988.44 | \$ 7,752,150.38 |
| 370 | HOUSING AUTHORITY | \$ - | \$ 359.50 | \$ 359.50 | \$ - | \$ 29,882.35 | \$ 38,848.98 |
| | HOUSING AUTHORITY | \$ - | \$ 359.50 | \$ 359.50 | \$ - | \$ 29,882.35 | \$ 38,848.98 |
| 170 | COMMUNITY DEVELOPMENT COMMISSION | \$ - | \$ - | \$ - | \$ - | \$ 1,135.42 | \$ 141,977.02 |
| | COMMUNITY DEVELOPMENT COMMISSION | \$ - | \$ - | \$ - | \$ - | \$ 1,135.42 | \$ 141,977.02 |
| 700 | WATER OPERATING | \$ 4,515.88 | \$ 39,711.22 | \$ 44,227.10 | \$ - | \$ 11,083,987.12 | \$ 3,010,119.22 |
| 701 | WATER CAPITAL | \$ - | \$ - | \$ - | \$ - | \$ 521,767.17 | \$ 1,559,065.75 |
| 710 | SEWER OPERATING | \$ 748.71 | \$ 69,824.15 | \$ 70,572.86 | \$ - | \$ 2,050,669.01 | \$ 1,465,498.37 |
| 711 | SEWER CAPITAL | \$ - | \$ - | \$ - | \$ - | \$ 981,543.03 | \$ 21,277.80 |
| 713 | SEWER CAPITAL REHAB AND REPLACE | \$ - | \$ - | \$ - | \$ - | \$ 54,882.50 | \$ - |
| | WATER | \$ 5,264.59 | \$ 109,535.37 | \$ 114,799.96 | \$ - | \$ 14,692,848.83 | \$ 6,055,961.14 |
| | ACCOUNTS PAYABLE TOTAL | \$ 117,364.96 | \$ 1,780,895.78 | \$ 1,898,260.74 | \$ 314,325.00 | \$ 46,584,436.67 | \$ 37,552,813.39 |
| REG. PAYROLL | | | | | | | |
| | City | \$ 204,283.96 | \$ - | \$ 204,283.96 | \$ - | \$ 2,340,090.29 | \$ 2,636,848.46 |
| | Housing Authority | \$ 336.74 | \$ - | \$ 336.74 | \$ - | \$ 1,873.18 | \$ 3,145.23 |
| | Community Development Commission | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 78,208.57 |
| | Water | \$ 100,334.90 | \$ - | \$ 100,334.90 | \$ - | \$ 1,117,742.49 | \$ 1,136,983.53 |
| | PAYROLL TOTAL | \$ 304,955.60 | \$ - | \$ 304,955.60 | \$ - | \$ 3,459,705.96 | \$ 3,855,185.79 |

* The year to date totals for this Warrant Report are for the 2020-21 fiscal year starting July 1, 2020; however, the year-to-date totals include a total of \$2,623,663.51 in payments issued on 6/29/20 and 6/30/20.

City of Hesperia

STAFF REPORT



DATE: January 5, 2021

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Assistant City Manager
Tina Bulgarelli, Administrative Analyst

SUBJECT: Consideration of Residential and Non-Residential Commercial Vehicle/Truck Parking Standards and Truck Routes and Adopt Amended City-wide Fee Schedules and Bail Schedules related to the Commercial Truck Parking program

RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2020-13 amending Title 16 of the Hesperia Municipal Code related to residential and non-residential Commercial Vehicle/Truck parking standards; amending Title 10 of the Hesperia Municipal Code related to a truck route program; and adopt Resolution No. 2020-78 rescinding Resolution No. 2003-17 and establishing new truck routes within the City; and

Adopt Joint Resolution No. 2021-01, Resolution No. HWD 2021-01, Resolution No. HHA 2021-01, and Resolution No. HCDC 2021-01 amending the City-wide fee schedule related to the fees for the Commercial Truck Parking program; and

Adopt Resolution No. 2021-02 amending the City-wide bail schedule related to the Commercial Truck Parking program.

BACKGROUND

The City of Hesperia has nearly 100,000 residents and lot sizes range from 1/8 of an acre to two or more acres and are situated in a variety of zones including residential and agricultural. Commercial vehicles, when driven on roads within these zones can cause road damage and age roads faster than normal. The current code allows for parking of commercial vehicles on residential and agriculturally zoned properties, with the number of trucks allowed increasing to a maximum of three tractors and six trailers, if the property is at least one and one-half acre.

The original intent of the commercial vehicle parking standards was to allow for operators of commercial vehicles to park their vehicle at their home. However, over time, the number of trucks in the City has increased and some lots appear to be being used as small scale trucking operations, or sublet as commercial parking lots. This is mostly due to the fact that a single residence could be allowed up to six commercial vehicles on one lot. Typically, an owner-operator has one truck and trailer or possible two trailers, but rarely would a truck driver drive five or more different trucks. Given this, the regulations require an update to help restore the original intent.

The City also has an adopted truck route map, however, truck route signs have not been erected and so the routes are not enforceable. The volume of trucks passing through the City has grown over time and the revenue generated from the issuance of transportation permits

does not generate enough to repair even a small portion of a roadway which may be damaged by the continuous use of commercial vehicles.

ISSUES/ANALYSIS

There are three recommended components to the Commercial Vehicle program, they are discussed individually. If the changes are approved there will be a six (6) month grace period in which staff will educate and inform to gain compliance over time to the new ordinance.

Commercial Vehicle Parking Permit (Residential Parking Standards – Title 16)

The intention of the commercial vehicle parking requirements are to provide a way for owner-operators to park their vehicle at their residence, and keeping the safety of neighbors intact, while preserving the look and feel of residential neighborhoods. Providing a parking permit to owner-operators will discourage the use of residential lots as small scale trucking operations.

The parking permit will allow for owner-operators to park their vehicle pursuant to the currently adopted standards, provided they register in a timely manner with the City and maintain their permit. The permit requires the owner to verify that trucks owned or operated by them are the only commercial vehicles that will be parked on their property, and prohibits the operation of a commercial trucking operation or sub-leasing parking spaces to other operators. Persons who apply for a permit in the future will be required to follow new guidelines. Existing commercial vehicle parking arrangements will be grandfathered in keeping their ability to park the same number of commercial vehicles they currently do so long as it complies with the current city ordinance.

The permit will also include a yearly road maintenance fee, designed to allow the City to fund the rehabilitation of residentially zoned streets which are not normally a part of the Capital Improvement Program, but suffer greater aging and debilitation when commercial vehicles travel on them. Residential streets were not designed or constructed to the weight of commercial vehicles.

Implementing these measures will ensure that the spirit of the ordinance, to allow truck drivers to come home and park their vehicle, is maintained. It will also provide a way to fund the rehabilitation of residential roadways due to advanced aging from the impact of commercial vehicles traveling on them.

Non-Residential Parking Standards – Title 16

The code currently provides for a parking permit to allow a commercial vehicle to be parked along the street, or in City right-of-way in non-residential areas. There have been no issued permits since the inception of the program, however, street parking is a constant concern and generates numerous complaints and code enforcement efforts due to illegal parking by commercial vehicle operators. In particular, parking on vacant lots, along the centerline of travel lanes, and along non-residential streets when not making a delivery or pickup generate the most concern. The recommended changes remove the allowance for a permit and continue the prohibition of parking in the City's right-of-way. The parking permit regulations are recommended to be removed as the City's current number of approximate vehicular trips along non-residential streets, most of which are not built to ultimate right-of-way does not provide a safe place to park and so should not be permitted.

The code will continue to provide for parking during the first twenty-four hours when a vehicle is disabled, and for operators to park to make deliveries and pickups. It will continue to prohibit parking in the public right-of-way.

Truck Routes – Title 10

The City of Hesperia has become, over time, a through route for commercial vehicles traveling to neighboring cities and other places. During 2019 and 2020 the City issued over 500 transportation permits to commercial vehicles requesting to travel through the City. This does not include commercial vehicles entering the City to make deliveries, or owner-operators who reside here and travel the roadways to their residence. The heavy traffic of commercial vehicles within the City is mainly due to regulations in other cities that do not allow the free movement of commercial vehicles along their roadways, and the City's proximity to the I-15 freeway with cross-town access to Apple Valley, Lucerne Valley, and Victorville.

There is an existing truck route program in the City, and an adopted truck route map, however, the required signage designating those routes has not been implemented, and so the routes are not enforceable. In addition, when the original truck route map was created, the City had far less residents, and far fewer requests for permits. In 2012 there were five permits issued, in 2013, 178 permits were issued, and the numbers have steadily grown since then. Staff met with the City Engineer and reviewed the previous regulations, which allowed movement on nearly all major arterials within the City. Staff is recommending restructuring this program to allow for movement of trucks passing through the City to be limited to the I-15 freeway, State Highway 395, Bear Valley Road and a limited number of City streets. This will not inhibit commercial vehicles from entering the City to make deliveries or owner-operators to travel to their homes, and park at their homes, provided they obtain a parking permit to do so.

Staff believes that this measure is necessary to preserve the City's roadways which are not meant to handle this volume of traffic by commercial vehicles. Given the fact that a permit to travel through the City is limited to \$16 per trip by the Department of Transportation, not enough revenue is generated to repair roads damaged by commercial vehicles who are passing through on their way somewhere else and so regulations limiting the use of City roadways is recommended.

Limiting the routes trucks may take through the City will also discourage the use of the City as a cross-town freeway for commercial vehicles traveling to other areas and encourage the use of the I-15 freeway, which is designed to handle this type and volume of traffic.

The recommended fines related to the parking program and included in the bail schedule are proposed to ensure compliance. Through the noticing process which does not impose fines until at least two notices to cure a violation have been issued, not including those that threaten life and safety, many violations can be cured without utilizing the bail schedule and so only egregious or continuing violations will be subject to the recommended fines.

FISCAL IMPACT

Based on the approximate numbers of commercial trucks/vehicles estimated to be parked in the City, staff believes that this program can be administered with the use of one code enforcement officer and half of a community development technician position. The fully burdened cost of one

Code Enforcement Officer is \$124,344 and the cost for one-half of a Community Development Technician position is \$50,918. Money will also be set aside for the Sheriff's Department for commercial vehicle enforcement. Staff has also calculated the cost per linear foot of 1" overlay rehab of a residential street at \$19.34 per foot, with the total cost of rehabbing one mile of roadway equaling \$102,115.00.

Staff projects that with conservatively estimating the number of properties that require a permit at 500, and estimating that each property will only have one truck and trailer parked, the program will generate \$475,000 annually. This revenue allows funding of both staff positions and the rehabilitation of nearly three miles of residential roadway per year.

1. Provide alternate direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2020-13
2. Exhibit "A"- Residential Parking Standards
3. Exhibit "B" – Non Residential Parking Standards
4. Exhibit "C"- Truck Routes Program
5. Resolution No. 2020-78
6. Exhibit "B" Proposed Truck Routes
7. Joint Resolution No. 2021-01 with "exhibit A"
8. Resolution No. 2021-02 with "exhibit A"

ORDINANCE NO. 2020-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING TITLE 16, CHAPTER 16.20 OF THE HESPERIA MUNICIPAL CODE MODIFYING THE RESIDENTIAL AND NON-RESIDENTIAL PARKING STANDARDS RELATED TO COMMERCIAL VEHICLE PARKING, AND AMENDING TITLE 10, CHAPTER 10.25 OF THE HESPERIA MUNICIPAL CODE RELATED TO A TRUCK ROUTE PROGRAM.

WHEREAS, the City of Hesperia has the authority and responsibility to protect the public health, safety, and welfare; and

WHEREAS, Title 16, Chapter 16.20 of the Hesperia Municipal Code contains residential and non-residential parking standards, specific to commercial vehicles; and

WHEREAS, Title 10, Chapter 10.25 of the Hesperia Municipal Code contains provisions for a truck route program, specific to commercial vehicles, and;

WHEREAS, the City currently allows commercial vehicle owners and operators to park commercial vehicles on properties greater than 18,000 square feet, with increasing numbers of vehicles allowed as lot sizes increase; and

WHEREAS, the allowance of an excess of commercial vehicles has caused some properties to be used in a manner that resembles a small scale trucking operation, or enables the subletting of commercial parking spaces in residential neighborhoods; and

WHEREAS, commercial vehicles traveling on residential streets causes aging and dilapidation of the roadway in excess of what would be expected; and

WHEREAS, modifying the residential and non-residential parking standards for commercial vehicles will allow owner-operators to continue to park their vehicle at their residence; reduce trip traffic by commercial vehicles on residential roadways and prohibit the use of residences as truck yards, maintaining the residential nature of neighborhoods; and

WHEREAS, a residential truck parking permit can ensure that owner-operators continue to enjoy the privilege of parking at their residence, while preserving the City roadways and residential neighborhoods from excessive commercial vehicle traffic, and;

WHEREAS, the City of Hesperia, due to the proximity to the Interstate-15 Freeway, and the current truck route regulations, which provide for unlimited access to all roadways in the City, has become a preferred through-way for commercial vehicles traveling to other places; and

WHEREAS, the City Council desires to limit the roadways that are available for commercial vehicles to use within the City limits, reducing trip traffic, and preserving the roadways from advanced aging and dilapidation; and

WHEREAS, a Truck Route Program is necessary to identify the streets where commercial vehicles may travel within the City; and

WHEREAS, the City Council is authorized under California Vehicle Code Section 35701(a) to prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit, by ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE HESPERIA CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. All of the facts set forth in the forgoing recitals are true, correct and are adopted as findings.

Section 3. Title 16, Chapter 16.20 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "A", attached hereto.

Section 4. Title 16, Chapter 16.20, Section 16.20.095 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "B", attached hereto

Section 4. Tile 10 Chapter 10.25 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "C", attached hereto.

Section 5 The Truck Route Program is hereby established as described in Exhibit "B".

Section 6 The Plan of Truck Routes may be established or amended by Resolution.

Section 7. This Ordinance shall take effect on February 5, 2021.

Section 8. The City Council of the City of Hesperia hereby declares that should any provision, section, paragraph, sentence, or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words shall remain in full force and effect.

Section 9. The City Clerk shall certify to the adoption of the Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution 93-78.

ADOPTED AND APPROVED this 19th Day of January, 2021

Cameron Gregg, Mayor

ATTEST

Melinda Sayre, City Clerk

Attachment 2 Exhibit "A"

ARTICLE IV. - PARKING AND LOADING STANDARDS

16.20.090 - Residential parking standards.

H. Commercial Vehicle Parking in Residential and Agricultural Areas.

The parking of commercial vehicle(s) in residential or agriculturally zoned areas of the city is designed for the owner/operator of a single commercial vehicle. Allowing for more than a single truck or trailer may lead some properties to be used as small scale truck yards, or truck operations. The appearance and use of a residential property in this manner may lead to noise, blight, and may disturb surrounding residents, limiting the enjoyment of their property. The intent of this chapter is to provide regulations regarding the parking of commercial vehicles so as to enable truck operators to park their vehicle at their home, while protecting the nature of residential neighborhoods.

1. Definitions.

- a. This subsection shall apply to commercial vehicles having a manufacturer's gross vehicle weight rating (GVWR) of twenty-six thousand (26,000) pounds, or more, parked or left standing in residential or agricultural areas.
- b. For purposes of this subsection, and unless otherwise stated, a truck shall be considered to be one truck or tractor
- c. For purposes of this subsection one trailer shall be either a single long trailer whether enclosed or open or a set of double trailers designed to be towed together.
- d. For purposes of this subsection, unless stated, a commercial vehicle shall be defined as one truck or tractor and one trailer or set of double trailers.
- e. For purposes of this chapter, an overly heavy load shall be defined by applicable standards from the California Department of Transportation, as may be amended from time to time.

2. Parking Requirements in General.

- a. No commercial vehicle shall be left to idle for longer than five minutes, nor blow air horns.
- b. No commercial vehicle shall have cargo transferred from such commercial vehicle to another.
- c. No refrigeration unit on any commercial vehicle shall be operated within three hundred (300) feet of any inhabited place, except with the consent of the person in charge of each such inhabited place.
- d. Commercial vehicles used for the transportation of hazardous waste, overly heavy loads, hazardous materials, or garbage, or which harbor vermin or pestilence, or which emit noxious or offensive odors, shall not be parked or stored in residential or agricultural areas.

3. Street Parking.

- a. It shall be unlawful for any person to park or leave standing on any public street, including within the public right-of-way, any commercial vehicle.

Exceptions:

- i. During the first twenty-four (24) hours during which the vehicle is mechanically disabled.

- ii. While a commercial vehicle is making a pick-up or delivery of materials or goods to or from any building or site.
- b. No commercial vehicle shall be parked or left standing on any street or right-of-way unless it is a minimum of twelve (12) feet from the centerline of the street, or twelve (12) feet per lane, if more than one lane, and under no circumstances parked in any travel lanes.
- c. No commercial vehicle shall be parked or left standing within one hundred (100) feet of any street intersection.

4. Parking on Private Property – Permit Required

Pursuant to the requirements of this section, any operator or owner who desires to park a commercial vehicle on their property shall obtain a permit to do so. The permit shall be renewed annually and the cost of the permit shall be as adopted by resolution of the City Council. Issuance of the permit shall be as required by this chapter.

Permit Requirements-Residential Commercial Vehicle Parking

- a. Any person desiring to park commercial vehicles on residential or agricultural property shall apply annually for a commercial vehicle parking permit. The parking permit shall include an administrative fee, inspection fee and road maintenance fee as adopted by resolution of the City Council.
- b. Any person desiring to park a commercial vehicle on a residential or agricultural property shall also obtain a city business license.
- c. Applicants for a commercial vehicle parking permit shall complete a parking permit application on a form approved by the City Manager or designee.
- d. Prior to issuance and renewal of a commercial vehicle permit, an annual inspection shall be made on the commercial vehicle and the proposed residence where the commercial vehicles will be parked. The inspection shall be performed by an official of the city. Any violations noted by the city shall be abated within the time frame stated on the notice given to the owner or operator of the commercial vehicle. A permit shall not be issued until all violations are corrected. Any violations existing after the date given for correction shall be considered a public nuisance. This inspection shall not supersede or replace any requirement or inspection required by the Department of Transportation and shall be limited to the scope of this code.
- e. The commercial vehicle permit shall be affixed on the right front interior visor of the commercial vehicle it is issued to and shall not be removed.
- f. The application for permit shall also disclose the number of trailers associated with the commercial vehicle their primary use (materials hauled). It shall also include any identifying registration numbers assigned to each trailer.
- g. Failure to obtain and maintain a commercial vehicle parking permit shall be considered a public nuisance.

I. Residential Commercial Vehicle Parking-Restrictions

- A. Commercial vehicles which are legally registered, and for which the property owner or operator has obtained a valid City of Hesperia business license and truck parking permit within one hundred eighty (180) days of the date of the adoption of this Chapter shall be allowed the following:
 - 1. One commercial vehicle may be parked on the operator's lot if such lot is at least eighteen thousand (18,000) square feet in area.
 - 2. One additional commercial vehicle, up to a maximum of three such vehicles, may be parked on the operator's lot for each additional one-half acre of land.

3. No commercial vehicle shall be parked or left standing unless all parts of such vehicle are at least fifteen (15) feet from houses on adjacent properties.
 4. A commercial vehicle may be parked in the driveway of the operator's lot, provided that such vehicle is fully on private property. Storage of trailers in front setback areas is prohibited.
 5. Parking of commercial vehicles on property immediately adjacent to and with the same street frontage as an operator's residential or agricultural property is permitted when the adjacent property is under the same ownership, or with the express written consent of the adjacent property owner. Improvements to the property may be required if dust or noise complaints are received by the City.
- B. Commercial vehicles which are legally registered, but for which there is no active business license and/or no truck parking permit as of one hundred eighty (180) days after the adoption of this chapter shall be subject to the following:
1. One commercial vehicle may be parked on the operator's lot if such lot is at least forty-three thousand five hundred and sixty (43,560) square feet (one acre) in area.
 2. The commercial vehicle must be parked out of the front and side-yard setbacks and fully parked within the backyard of the residence and situated so as to be out of public view. One additional truck and one additional trailer may be permitted upon application and payment of fee.
- C. All commercial vehicles shall comply with the following regardless of Section a or b above.
1. No commercial vehicle shall be parked or left standing unless all parts of such vehicle are at least fifteen (15) feet from houses on adjacent properties.
 2. Storage of trailers in front setback areas is prohibited.
 3. The permit is non-transferable to another person, vehicle, or property. The parking permit shall list the owner or operator of the commercial vehicle and proof of operation or valid registration shall be required.
 4. Parking of commercial vehicles not owned or operated by the owner or operator listed on the permit, on any property by a person who is not the owner or operator shall be prohibited.
 5. Any change in the number of commercial vehicles stored at the property shall be immediately reported to the City and any additional fees incurred shall be paid immediately.
 6. In the event that a parking permit is surrendered pursuant to this chapter and the commercial vehicles are parked or stored in the city, the owner or operator shall apply for and secure a new commercial vehicle parking permit and pay all fees required.
 7. Any change of address of the owner/operator shall be disclosed to the city within fourteen days and an amended permit shall be issued with the correct information. Any new location shall comply with this code.
 8. Commercial vehicles leaving the City roadway to park on residential or agricultural property must ensure they do not damage the roadway edge, water meters or any other public or private property. Commercial vehicles are prohibited from driving over curbs and sidewalks that have not been improved for a driveway. If the vehicle damages the roadway edge the permit applicant or holder will be required to improve their driveway with an asphalt approach connecting to the roadway edge to prevent damage.
- J. A maximum of two trailers, may be stored outside of a building on any residentially or agriculturally zoned property. No commercial vehicle or trailer shall be stored on a residentially or agriculturally zoned property unless a lawfully established and occupied residence exists on the property, owned or occupied by the operator. Property owners or renters are prohibited from allowing or charging money to nonresidents to park

commercial vehicles on residential or agricultural property. In no event shall a commercial vehicle or trailer be used as a dwelling unit or residence.

- K. A maximum of two of each type of accessory vehicle, up to a maximum of three accessory vehicles, may be stored outside of a building on any residentially or agriculturally zoned property. No accessory vehicle shall be stored on a residentially or agriculturally zoned property unless a lawfully established and occupied residence exists on the property. Accessory vehicles shall not be stored between the front property line and the primary residential structure, except within the driveway. In addition, each accessory vehicle shall be at least fifteen (15) feet from the primary residential structure on adjacent properties and at least ten feet behind the street side yard property line. In no event shall an accessory vehicle be used as a dwelling unit

Attachment 3 Exhibit B

16.20.095 - Nonresidential parking standards.

F. Street Parking in Nonresidential Areas.

1. It shall be unlawful for any person to park or leave standing on any public street, including within the public right-of-way, any commercial vehicle, except:
 - i. During the first twenty-four (24) hours during which the vehicle is mechanically disabled.
 - ii. While a commercial vehicle is making a pick-up or delivery of materials or goods to or from any building or site, provided parking is allowed within the street.
 - iii. No commercial vehicle shall be parked or left standing on any street or right-of-way unless it is a minimum of twelve (12) feet from the centerline of the street, or twelve (12) feet per lane, if more than one lane, and under no circumstances parked in any travel lanes.
 - iv. No commercial vehicle shall be parked or left standing within one hundred (100) feet of any street intersection.

(Ord. No. 2010-07, § 3(Exh. A), 10-5-10; Ord. No. 2011-07, 8-2-11; Ord. No. 2012-12, § 3(Exh. A), 7-3-12)

Attachment 4 Exhibit "C"

Chapter 1 – Definitions

1. "Destination" or "destinations": means either a single delivery or several deliveries, or the designated, permitted parking site of the permittee
2. "Permitee" means a person who has a valid truck permit and is operating the truck permitted specifically by that permit.
3. "Restricted Street" means all streets in the City except through truck routes as herein established.
4. "Through Truck Route" means any street as herein designated upon which the unrestricted use of trucks is permitted.
5. "Truck" means any vehicle having a manufacturer's gross vehicle weight rating exceeding 14,000 pounds.

Chapter 10.25 - TRUCK ROUTES PROGRAM

Sections:

10.25.010 - Authority to establish truck routes.

A. Pursuant to Vehicle Code Section 35701, the city may, by ordinance, prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit, except with respect to any vehicle which is subject to Sections 1031 to 1036, inclusive, of the Public Utilities Code, and except with respect to vehicles used for the collection and transportation of garbage, rubbish, or refuse. (Ord. 2003-1 § 2 (part), 2003)

10.25.020 - Truck routes program.

- A. Commercial vehicles exceeding a maximum gross weight of fourteen thousand (14,000) pounds are prohibited from using any street designated as restricted, with the following exceptions:
1. Commercial vehicles coming by direct route to and from a street identified on the plan of truck routes when necessary for the purpose of making pickups or deliveries, or for the purpose of delivering materials to construction sites.
 - a. Commercial vehicle operators leaving designated through streets to make pickups or deliveries shall take the most direct route to and from each destination and shall not stand or park the commercial vehicle in any place unless it is in accordance with this code.
 2. Passenger buses under the jurisdiction of the public utilities commission.
 3. Any vehicle owned by a public utility or a licensed contractor while necessarily in use in the construction, installation, maintenance, or repair of any public utility.
 4. Any vehicle owned and operated by a public agency.
 5. Where permitted, commercial vehicles traveling to or from residential or agricultural property where they are parked in accordance with Section 16.20.090 of this code.

(Ord. 2003-1 § 2 (part), 2003)

10.25.030 - Plan for truck routes.

- A. The plan for truck routes may be established and amended by resolution.

- B. The resolution shall not be effective until appropriate signs are erected indicating streets included in the plan for truck routes.

10.25.040 – Permits Required

Any operator traveling on any roadway in Hesperia, shall first, if required by their desired route, which shall not be in opposition to the statutes of this chapter, secure the proper permits from all state permitting agencies and produce those permits if requested by law enforcement or city officials.

10.25.050 – Trucks Prohibited on Restricted Streets

(a) All streets or parts of streets in the City of Hesperia other than those designated in this section as through are hereby designated as restricted streets.

(b) When appropriate truck route signs are erected, as hereinafter provided, no person shall operate, drive or cause or permit to be operated or driven, any truck on any restricted street, except as hereinafter provided.

10.25.060 – Through Truck Routes Established

The following named streets as denoted in Exhibit "A" below are hereby declared to be through truck routes for the movement of trucks, and the City Manager is hereby authorized and directed to designate such streets by appropriate signs as "THROUGH TRUCK ROUTE," which method of designation the City Manager has determined will best serve to give notice of this chapter, but signs shall, at a minimum, be posted at all through truck route entrances to the City.

10.25.070 – Truck Traffic Originating Outside City

(a) Outside destination, through traffic. All trucks entering the City for destinations outside the City shall proceed only over through truck route.

(b) Inside destination. All trucks entering the City for destinations in the City shall proceed only over through . They shall deviate therefrom only by the shortest and most direct route between each destination and the nearest through .

(c) Trucks may travel on restricted streets by the shortest and most direct route between a City boundary and a destination if such a route is shorter than the route between a destination and the nearest truck route.

10.25.080 – Truck Traffic Originating Inside City

(a) Portion of trip outside of the City. If any portion of a truck's trip is outside of the City, even though its origin is inside the City, it shall be considered as an outside origin trip upon reentering into the City and section 10.25.070 shall apply.

(b) Outside destinations. All trucks, on a trip originating in the City and traveling in the City for destinations outside the City, shall proceed by the shortest and most direct route to the nearest through truck route .

(c) Inside destinations. All trucks, on a trip originating in the City and traveling entirely within the City for destinations in the City, shall proceed by the shortest and most direct route to the nearest through truck route. They shall deviate therefrom only by the shortest and most direct route between each destination and the nearest through truck route.

(d) Trucks may travel on restricted streets by the shortest and most direct route between a City boundary and destination if such a route is shorter than the route between a destination and the nearest truck route.

10.25.090 – Weight In

Any peace officer shall have the authority to require any person driving or in control of any truck not proceeding over a through truck route to proceed to any public or private scale available for the purpose of weighing and determining whether this section has been complied with.

10.25.100 – Transportation Permit Required

Any commercial vehicle traveling through the city regardless of the trip origin shall secure a transportation permit as required, pursuant to the provisions of Chapter 12.20 of this code.

10.25.110 – Exceptions

(a) The provisions of this chapter shall not prohibit the operation of any truck coming from a through truck route having ingress or egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on the restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon which the restricted street for which a building permit has previously been obtained so long as the operator of such truck takes a route as prescribed in this chapter.

(b) The provisions of this chapter shall not apply to:

1. Passenger buses under the jurisdiction of the public utilities commission and school buses.
2. Any vehicles owned or operated by a public utility, or by the City, or operating under contract for the City with a haul route authorized in writing by the City Engineer, or any vehicle used for the removal of refuse under contract with the City.
3. Any Authorized emergency vehicle.
4. Trucks directly involved in capital improvement projects within the city.

10.25.120 – Violations a Public Nuisance

Violations of this chapter shall be considered a public nuisance.

(Ord. 2003-1 § 2 (part), 2003)

RESOLUTION NO. 2020-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, RESCINDING RESOLUTION NO. 2003-17 AND RE-ESTABLISHING THE PLAN OF TRUCK ROUTES

WHEREAS, the City Council is authorized under California Vehicle Code Section 35701(a) to prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit, with exceptions, by ordinance; and

WHEREAS, the City Council has adopted Ordinance No. 2020-13, amending the Truck Routes Program; and

WHEREAS, Ordinance 2020-13 authorizes the establishment and amendment of the Plan of Truck Routes by Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA, AS FOLLOWS:

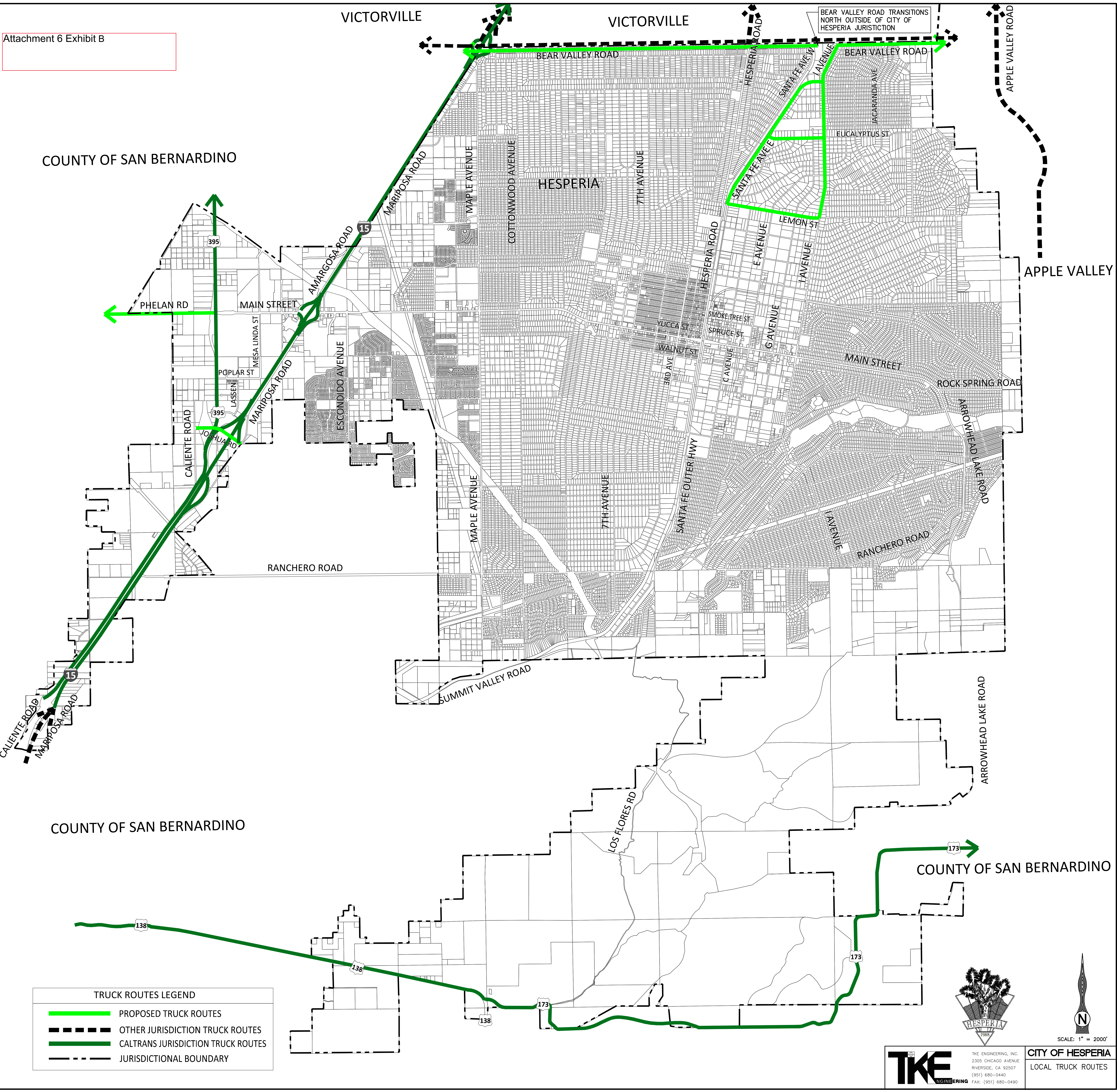
- Section 1. In all respects, the facts as set forth in this resolution are true and correct.
- Section 2. Resolution No. 2003-17 is hereby rescinded.
- Section 3. The Truck Routes Program "Exhibit B" is hereby adopted; and
- Section 4. This Resolution shall become effective upon the effective date of Ordinance No. 2020-13
- Section 5. If any section, sub-section, sentence, clause, or word in the resolution is held to be invalid by decision of any court of competent jurisdiction or action of State legislation, such decision or legislation shall not affect the validity of the remaining portions of this resolution.
- Section 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 5th day of January 2021.

Cameron Gregg, Mayor

ATTEST:

Melinda Sayre, City Clerk



**JOINT RESOLUTION NO. 2021-01
RESOLUTION NO. HWD-2021-01
RESOLUTION NO. HCDC-2021-01
RESOLUTION NO. HHA-2021-01**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, THE BOARD OF DIRECTORS OF THE HESPERIA WATER DISTRICT, THE BOARD OF DIRECTORS OF THE HESPERIA HOUSING AUTHORITY, AND THE BOARD OF DIRECTORS OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION, AMENDING THE CITY-WIDE FEE SCHEDULE

WHEREAS, on December 6, 2016 the City of Hesperia City Council, Hesperia Water District, Hesperia Fire District, Hesperia Housing Authority and Hesperia Community Development Commission adopted a revised City-wide fee schedule inclusive of all City, District, and Commission fees.

WHEREAS, Pursuant to Article XIII B (Proposition 4) of the California Constitution, it is the intent of the City Council of the City of Hesperia, the Board of Directors of the Hesperia Water District, the Board of Directors of the Hesperia Housing Authority, and the Board of Directors of the Hesperia Community Development Commission to recover costs reasonably borne from fees and charges for services rendered; and

WHEREAS, Pursuant to Article XIII C and Article XIII D (Proposition 218) of the California Constitution the fees, charges and regulatory fees are levied as an incident of the voluntary act of an individual or business and not the result of property ownership; and

WHEREAS, the City Council heard and took action on Ordinance No. 2020-13, related to the issuance of a permit to park a commercial vehicle on a residential or agricultural lot and fees for the program are necessary to recover costs related to the program; and

WHEREAS, commercial vehicles are found to cause increased aging to roadways not designed for commercial vehicle traffic and as such, a mechanism to rehabilitate these roads is included in the fees for commercial vehicle parking and permitting; and

WHEREAS, the City Council heard and took action on Ordinance No. 2020-14, related to the licensing and maintenance of rental properties and fees for the program are necessary to recover costs related to the program; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA, THE BOARD OF DIRECTORS OF THE HESPERIA WATER DISTRICT, THE BOARD OF DIRECTORS OF THE HESPERIA HOUSING AUTHORITY, AND THE BOARD OF DIRECTORS OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION, AS FOLLOWS:

Section 1. In all respects, the facts as set forth in this resolution are true and correct.

Section 2. The schedule of fees and charges set forth in Exhibit "A" are hereby adopted and shall be applied to the specified services. The effective date of this resolution shall be March 5, 2021.

Section 3. All fees described are for each identified process and additional fees shall be required for each additional process or service required.

Section 4. Interpretation of this resolution may be made by the City Manager or designee. When there are conflicts between fees, the lower fee shall be applied.

Section 5. If any section, sub-section, sentence, clause, or word in the resolution is held to be invalid by decision of any court of competent jurisdiction or action of State legislation, such decision or legislation shall not affect the validity of the remaining portions of this resolution.

Section 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 5th day of January, 2021

Cameron Gregg, Mayor

ATTEST:

Melinda Sayre
City Clerk

Attachment 8 - Exhibit "A"

| | | | | | |
|------------------|--|--|---|--|---------------------------------------|
| SECTION 70: | | | Business License | | |
| Business License | | | | | |
| 11) | Rental Housing Business License | | | | |
| | A. | License Processing Annually – Existing (fees tiered for existing leases at a rate of 25% of total fees for year one, 50% of total fees for year two, 75% of total fees for three, until 100% of total fees are charged on year four) | | | |
| | B | 1. | Single Family Residential- Part 11A shall apply for first four years of registration – Then Section C2 shall apply | \$75 (represents tiered 25% of total rate for first year) + Current Business License Fee | |
| | | 2. | Multi-Family (Including Duplexes) –Part 11A shall apply or first four years of registration – Then Section C3 shall apply | \$50/unit (represents tiered 25% of total rate for first year)+ Current Business License Fee | |
| | C | New Application | | | |
| | | License Processing – New Leases- New Construction Annually | | | |
| | | 2. | Single Family Residential | \$300 + Current Business License Fee | |
| | | 3. | Multi-Family (Including Duplexes) | \$200/Unit + Current Business License Fee | |
| | | Owners who do not provide substantiated information on new or existing leases shall be charged at the new lease rate. | | | |
| | D. | Miscellaneous Inspection | | | \$400/unit or Single Family Residence |
| | E. | Inspection Cancellation Fee with no prior notice | | | Cost Reasonably Born |
| 13) | Residential Truck Parking Permit (in addition to standard business license fees for home occupation) | | | | |
| | A. | Parking Permit/Road Maintenance Fee- Tractor Only | | | \$200 per tractor annually |
| | B. | Parking Permit/Road Maintenance Fee –per trailer | | | \$800 per trailer annually |

RESOLUTION NO. 2021-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING RESOLUTION NO. 2021-02, AMENDING THE CITY-WIDE ADMINISTRATIVE BAIL SCHEDULE

WHEREAS, the administrative bail schedule was originally adopted via Resolution No. 2002-42; and

WHEREAS, Fines are levied as an incident of the voluntary act of an individual or business and not the result of property ownership; and

WHEREAS, the City of Hesperia is responsible for enforcement of the Hesperia Municipal Code in its entirety; and

WHEREAS, on January 5, 2021, the City Council heard and took action on Ordinance No. 2020-13, which amends Title 16 of the Hesperia Municipal Code related to parking of commercial vehicles on residential or agricultural lots; and

WHEREAS, the parking of commercial vehicles on residential properties, and the continual driving of commercial vehicles on City streets can cause undue noise, traffic, and other hazardous conditions, and ages the roads more quickly than usual; and

WHEREAS, the maintenance and rehabilitation of roads is of great concern and the aging of roads can place a strain on City resources, and;

WHEREAS, on January 5, 2021, the City Council heard and took action on Ordinance No. 2020-14, which amends Title 5 of the Hesperia Municipal Code related to the maintenance and licensing of residential rental properties; and

WHEREAS, the Council finds that the renting of residential property is a commercial enterprise and should be licensed as such, and;

WHEREAS, unmaintained residential rental properties lead to blight, unsafe conditions, dissatisfied tenants, and may lead to a decrease in property values and neighborhood aesthetics; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA, AS FOLLOWS:

- Section 1. In all respects, the facts as set forth in this resolution are true and correct.
- Section 2. The fines for violations of Chapter 16.20.090 and Chapter 16.20.095 shall be as amended by Exhibit "A", attached hereto and incorporated into the adopted City Bail Schedule.
- Section 3. The fines for violations of Chapter 5.72 of the Hesperia Municipal Code shall be as set forth in Exhibit "A", attached hereto and incorporated into the adopted City Bail Schedule.

Section 4. Interpretation of this resolution may be made by the City Manager or designee.

Section 6. If any section, sub-section, sentence, clause, or word in the resolution is held to be invalid by decision of any court of competent jurisdiction or action of State legislation, such decision or legislation shall not affect the validity of the remaining portions of this resolution.

Section 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 5th day of January, 2021

Cameron Gregg, Mayor

ATTEST:

Melinda Sayre
City Clerk

Attachment
10

EXHIBIT
"A"

City of Hesperia
Administrative Fine Schedule

| SECTION | DESCRIPTION | 1st | 2nd | 3rd |
|-----------------------|--|-----------------|-------------------|-------------------|
| <u>5.72.050</u> | <u>License Required</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.070</u> | <u>Registration Requirements</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>5.72.090(D)(1)</u> | <u>Failure to Pay Fee</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.090(D)(2)</u> | <u>Failure to Obtain License</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.100</u> | <u>Crime Free Registration Required</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.100</u> | <u>Maintenance Requirements</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>5.72.130</u> | <u>Renewal Requirement</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.170</u> | <u>Inspections</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.150</u> | <u>Interior Inspections</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>10.25.020</u> | <u>Traveling on Restricted Streets</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>16.20.090</u> | <u>Residential Parking Standards</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.090H(2)</u> | <u>General <u>Parking</u> Requirements</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.090H(3)</u> | <u>Street Parking Prohibited</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.090H(4)</u> | <u>Permit Required</u> | <u>\$750.00</u> | <u>\$1,000.00</u> | <u>\$1,250.00</u> |
| <u>16.20.090I</u> | <u>Commercial Vehicle Parking Restrictions</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.090I(C)</u> | <u>Commercial Vehicle Standards</u> | <u>\$200.00</u> | <u>\$500.00</u> | <u>\$750.00</u> |
| <u>16.20.090J</u> | <u>Trailer Storage</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.090K</u> | <u>Accessory Vehicles</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.095</u> | <u>Non-Residential Parking Standards</u> | <u>\$200.00</u> | <u>\$400.00</u> | <u>\$600.00</u> |

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City of Hesperia

STAFF REPORT



DATE: January 5, 2021

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Assistant City Manager
Tina Bulgarelli, Administrative Analyst

SUBJECT: Consideration of the Maintenance and Licensing of Rental Properties and Amendment of the City-wide Fee Schedule and Bail Schedule Related to Rental Housing Business License Registration

RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2020-14 amending Title 5 of the Hesperia Municipal Code related to the maintenance and licensing of rental properties within the City of Hesperia; and

Adopt Joint Resolution No. 2021-01, Resolution No. HWD 2021-01, Resolution No. HHA 2021-01, and Resolution No. HCDC 2021-01 amending the City-wide fee schedule related to the fees for the Rental Housing Business License program.; and

Adopt Resolution No. 2021-02 amending the City-wide bail schedule related the Rental Housing Business License program.

BACKGROUND

Currently, the health and safety standards of the City's known 4,366 residential rental properties which constitute a commercial enterprise are enforced utilizing complaint-based code enforcement. Complaint-based enforcement paired with an aging housing stock contribute to instances of substandard and unsanitary residential rental properties, the physical conditions and characteristics of which may violate applicable state housing, county and local codes rendering them unsafe for human occupancy and habitation.

These conditions offer little protection to Hesperia renters who may be unaware of basic habitability requirements such as locking doors, hot water, functioning heaters and properly working plumbing, as well as tenants who may hesitate to complain about sub-standard conditions for fear of reprisal from property owners. Additionally, while most property owners are responsible and wish to maintain their properties, there are many cases of negligent absentee property owners where without mechanisms to ensure accountability, allow properties to become unsafe and blighted, detracting from their neighborhoods as a whole in addition to allowing their tenants to live in potentially dangerous conditions.

ISSUES/ANALYSIS

The proposed rental property inspection program, a transition to proactive code enforcement, will ensure that Hesperia renters have access to clean and safe rental properties; safeguard and

improve the quality of life in rental property communities; and facilitate the commercial business licensing of rental properties, enabling the City to monitor and enforce compliance measures.

From 2007 to 2012, the City ran a rental housing registration program, which required registration of rental properties and payment of an annual inspection fee. Properties were inspected for code standards and cure periods were assigned to allow the owner's time to clean up or fix problems to avoid a re-inspection. The program involved nearly 1,200 properties and was utilized as a tool to enforce health and safety standards and ensure that rental properties were clear of trash, debris, and inoperative vehicles. The program was also instrumental in ensuring that absentee owners were aware of the state of their properties and held responsible for code violations. Many properties were cleaned, repaired and generally improved as a result.

Since the dissolution of the rental housing program in 2012, the City has grown in population and several thousand rental properties. Careful review of the challenges and successes of the City's since discontinued rental registration program has provided staff helpful insight and the opportunity to restructure and streamline the program, minimizing the staffing needed to run the program effectively to the benefit of renters, property owners and the community as a whole.

One such efficiency proposed is the use of a self-certification program component which will permit property owners to demonstrate program compliance without the need for an annual physical inspection by City staff, a sharp contrast from the previous program that utilized four community development technicians as inspectors, a full-time senior office assistant for clerical items and at least two code enforcement officers for properties requiring further enforcement due to code violations. As proposed, staffing needed to implement the streamlined program includes one community development technician and two code enforcement officers with the possibility of adding staff as this program progresses and is adjusted.

Proposed program registration and license fees would fund code enforcement and business licensing staff to monitor the inspection and self-certification process, ongoing periodic proactive inspections and respond to questions and concerns from rental owners and tenants. Proposed fees ("attachment 4") are tiered based on new and existing leases in order to avoid overly burdening property owners while incrementally collecting revenue to fund the required staff and administration for the program.

The basic components of the program will require property owners to complete a registration application including information on number of rental units, whether there is an on-site property manager and other pertinent information. During the inception of the program and for all new applicants, a baseline inspection would be performed to record the current state of the property. Code violations would be noted and the owner would be instructed to cure them. Following an initial inspection and as stated above, property owners may be permitted to annually self-certify using a checklist and photographs of the property to demonstrate compliance. If a property was found to be deficient in maintenance, the owner would be granted time to correct the violations. If the violations were not corrected, or the owner failed to self-certify annually, an inspection would be performed.

The recommended fines included in the bail schedule are proposed to ensure compliance. Through the noticing process which does not impose fines until at least two notices to cure a violation have been issued, not including those that threaten life and safety, many violations can be cured without utilizing the bail schedule and so only egregious or continuing violations will be subject to the recommended fines.

FISCAL IMPACT

The fully burdened cost of one Code Enforcement Officer is \$124,344 plus the cost of a vehicle and supplies and one Community Development Technician position is \$101,836. Using the current known housing number of 4,366 properties, which includes 426 multi-family or duplexes comprising a total of 4,373 units, and 3,940 single-family residential, and based on the conservative estimate that 50% of the fees will be based on new leases and the other 50% on existing leases along with a business license for each residence or apartment complex, the program will generate revenue in the amount of \$1,778,858. This amount will fully fund two code enforcement officers and one community development technician positions, allow for expansion of proactive code enforcement, and allow for expansion of staff as required as the program grows and evolves.

Revenue is projected to fluctuate annually for the first four years as existing leases pay a tiered rate, however, even with this structure, the funding for the positions will be available based on revenue generated from the program.

ALTERNATIVE(S)

1. Provide alternate direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2020-14
2. Exhibit "A" Title 5 Chapter 5.72 Rental Housing Business License
3. Exhibit "B" Title 1 Chapter 1.04 Rental Housing Definitions
4. Joint Resolution No. 2021-01
5. Fee Schedule and Exhibit "A" attached
6. Resolution No. 2021-02
7. Bail Schedule with Exhibit "A" attached

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING TITLE 5 OF THE HESPERIA MUNICIPAL CODE ADDING CHAPTER 5.72 CREATING A RENTAL HOUSING BUSINESS LICENSE PROGRAM.

WHEREAS, the City of Hesperia has the authority and responsibility to protect the public health, safety, and welfare; and

WHEREAS, Title 5 of the Hesperia Municipal code contains regulations related to the operation and licensing of a business within the City; and

WHEREAS, the City Council finds that rental properties constitute a commercial enterprise and as such should be licensed and regulated; and

WHEREAS, in order to preserve the nature of residential neighborhoods, remove blight and other violations, and ensure the health and safety of all residents, operators of rental properties shall be responsible for the disposition of their property; and

WHEREAS, in order to ensure compliance, a rental housing business license program shall be created and implemented; and

WHEREAS, all rental properties within the City shall be registered annually as prescribed by the Hesperia Municipal Code; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE HESPERIA CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. All of the facts set forth in the forgoing recitals are true, correct and are adopted as findings.

Section 2. Title 5, Chapter 5.72 of the Hesperia Municipal Code is hereby adopted as set forth in Exhibit "A", attached hereto.

Section 3. Title 1 Chapter 1.04 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "B", attached hereto.

Section 4. This Ordinance shall take effect on February 5, 2021

Section 5. The City Council of the City of Hesperia hereby declares that should any provision, section, paragraph, sentence, or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words shall remain in full force and effect.

Section 6. The City Clerk shall certify to the adoption of the Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution 93-78.

ADOPTED AND APPROVED this 5th Day of January, 2021

Cameron Gregg, Mayor

ATTEST

Melinda Sayre, City Clerk

Chapter 5.72 - RENTAL HOUSING BUSINESS LICENSE AND INSPECTION PROGRAM [3]

| | |
|-----------|--|
| 5.72.010 | Title |
| 5.72.020 | Purpose |
| 5.27.030 | Scope |
| 5.72.040 | Fair Housing |
| 5.72.050 | Rental housing business license required |
| 5.72.060 | Sale of Rental Property |
| 5.72.070 | Registration Requirements |
| 5.72.080 | Rental Housing Business License |
| 5.72.090 | Rental Housing Business License Fee |
| 5.72.100 | Crime Free Program |
| 5.72.110 | Maintenance requirements |
| 5.72.120 | Crime Prevention through Environmental Design (CPTED) Requirements |
| 5.72.130 | Rental Housing Business License Renewal |
| 5.72.140- | Inspections |
| 5.72.150 | Interior Inspections |
| 5.72.160 | Complaints and violations |
| 5.72.170 | Certificate of rental inspection compliance—Effect on remedies |
| 5.72.180 | Enforcement and penalties |
| 5.72.190 | Public nuisance |
| 5.72.200 | Conflicts |

5.72.010 - Title.

This chapter shall be known as the rental housing business license program of the City of Hesperia, may be cited as such, and will be referred to herein as "this chapter."

5.72-020 - Purpose.

It is the purpose of this chapter to implement a rental housing business license program to provide a stable, more satisfied tenant base; increase demand for rental units with a reputation for active management; lower maintenance and repair costs; increase property values, and improve the personal safety for tenants, landlords, and managers.

It is also the purpose of this chapter to identify the existence of substandard and unsanitary residential rental properties and rental units and to cause the owner thereof to cure such defects.

5.72.030 - Scope.

- A. The provisions of this chapter shall apply to all residential rental properties in the City of Hesperia as defined by this code, and all accessory uses thereon, including parking lots, driveways, landscaping, accessory structures, fences, walls, interior and exterior common areas, swimming pools, hot tubs, and spas. This chapter shall not apply to:
1. Housing accommodations in hotels, motels, inns, or tourist homes. This exception does not apply to single room occupancy hotels or hotels in which more than 51% of the rooms are offered for habitation for a duration of longer than 30 consecutive days.
 2. Housing accommodations in any hospital; convent, monastery, or other facility occupied exclusively by members of a religious order; extended medical care facility; asylum; on-campus fraternity or sorority houses; or on-campus housing accommodations owned, operated or

managed by an institution of higher education, a high school, or an elementary school of occupancy by its students.

3. Mobilehomes, or mobilehome parks, or recreational vehicles as defined in Section 799.24 of the California Civil Code, or recreational vehicle parks.
 4. Single family homes, which are owner-occupied and in which a single room is rented to a single person.
 5. Accessory Dwelling Units which are part of a single family residence occupied by the owner.
- B. The provisions of this chapter are supplementary and complementary to this code. Nothing in this chapter may be construed to: (i) excuse or modify any requirement or obligation in the Code or in any other laws or regulations, (ii) waive, limit or modify any prohibition thereof, or, (iii) limit any existing right of the city to abate nuisances or to enforce any provisions of applicable law, statute, or this code, in any manner allowed by law.

5.72.040 - Fair housing.

Rental housing operators shall comply with federal fair housing laws and grant persons with disabilities the ability to make reasonable accommodation requests for equal opportunity use and enjoyment of a dwelling. The rental housing operator shall not refuse residency to persons with disabilities, or place conditions on their residency, on the basis of those persons requiring reasonable accommodation.

5.72.050 - Rental housing business license required.

- 1) Any person(s) intending to rent for any monetary or service in-kind any residential property as defined by this code shall register and obtain a rental housing business license within sixty days of acquiring the property or within sixty days of the adopted date of this code. That the property or portions of the property or any unit may be vacant from time to time shall have no bearing on the requirement to register or maintain registration. Registration shall be completed annually.

5.72.060 – Sale of Rental Property

1. Should the owner intend to sell any residential rental property, and during the process of sale, the registration for the rental property is due, the owner shall pay the registration fees and allow for the inspection if required. Should the sale occur, and the owner can provide factual proof of the sale of the property, a prorated refund of the rental registration business license fees shall be issued after a request in writing from the owner. Inspection fees are not refundable, if an inspection has taken place.
 - i. The new owners of the residential property may prove to the city that they intend to use the dwelling as their primary dwelling in a form approved by the director, and shall be exempt from the program after approval of the property for removal from the program. Any future use of the dwelling as a rental property requires registration and inspection.
 - ii. If the new owners intend to use the property as rental property, they shall register and pay all fees and allow for an inspection of the property.
2. Apartments and duplexes shall not be eligible for Section 5.72.060.1(i).

5.72.070 – Registration Requirements

- B. Each owner or operator, on behalf of the owner, shall submit an application for a rental housing business license on a form provided by the director. Applications shall be subject to verification by the director. Any person who makes a false statement in the application shall be guilty of a misdemeanor.
1. Contents of Application. The application shall contain or be accompanied by the following information:

- a. The type of ownership of the proposed residential rental property, i.e., whether by individual, partnership, corporation, or otherwise;
- b. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation and the names and residence addresses of each of its current officers and directors, and each stockholder holding more than five percent of the stock of that corporation. If one or more of the officers, directors, or stockholders is a corporation, the provisions of this section pertaining to a corporate applicant shall apply;
- c. If the applicant is a partnership, the application shall set forth the name and residence of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply;
- d. If the applicant is a limited liability company, the application shall set forth the name of the company exactly as shown in its articles of organization or operating agreement, together with the names and residence addresses of each of its officers, directors, and each member along with a description of the relative interests of each member. If one or more of the officers, directors, or members is a corporation, the provisions of this section pertaining to a corporate applicant shall apply;
- e. If the applicant is the operator, then the application shall set forth or attach the information required by subsections (B)(1)(b) through (B)(1)(d) of this section with respect to the owner and shall be accompanied by evidence satisfactory to the director that the operator is authorized by the owner to submit the application;
- f. The address of the residential rental property;
- g. The name, address and telephone number for the operator or designated responsible person for the premises and any other person designated to be contacted in the event of emergency at the premises;
- i. Authorization for the city, its employees and agents to seek information and conduct an investigation, including, but not limited to, a criminal background check, to verify the information contained within the application;
- j. Authorization for the city, its employees and agents to inspect the property in accordance with this chapter;
- l. Any application for a rental housing business license shall also accompany proof of current registration in the Hesperia Crime Free Housing Program as prescribed in Chapter 8.20 of this Code.
- m. Such other identification and information as the director may require in order to discover the truth of the matters herein specified and as required to be set forth in the application.

5.72.080- Rental Housing Business License

- A. A rental housing business license shall be issued for all residential rental units only upon completion of the following:
 - 1) All fees have been paid in full, including any inspection or re-inspection fees.
 - 2) The residential rental unit(s) and property has been fully inspected and approved by the director as required by this code, if required.
 - 3) Any existing violations have been corrected and/or repaired with all required permits, approvals and inspections.
 - 4) A properly completed and accepted self-certification for renewal of the business license has been received and approved.
 - 5) A property with more than one set of duplexes shall comply with 5.72.110(6).

- C. Issuance of a rental housing business license shall not constitute a guarantee or warranty of the habitability or complete compliance with the city's housing and property maintenance standards or with the applicable codes, and the occupant of any residential rental unit shall not rely on the issuance of a business license as such a guarantee or warranty. The license shall contain a notice to this effect. The city shall not assume any liability to any person by reason of the inspections required by this chapter or the issuance of a rental housing business license. Rental Registration business licenses shall expire on the expiration date shown on the certificate and shall be renewed prior to the expiration date.

5.72.090- Rental housing business license fee.

- A. The application for a rental housing business license including any renewal shall be accompanied by a nonrefundable fee in an amount established by a resolution of the city council
- B. The rental housing business license fee shall be for the license year and each applicant must pay the full fee for the license year upon submission of the application for the rental housing business license.
- C. A separate residential rental inspection fee in the amount established by resolution of the city council shall be paid with the application at the same time as the license fee.
- D. Penalty.
1. Failure to Pay Fee. Failure to pay all required fees shall be considered a public nuisance.
 2. Failure to Obtain License. Failure to obtain a license shall be considered a public nuisance.

5.72.100 – Crime Free Program

- A. Hesperia's Crime Free Program was receded and made voluntary with the exception of registering the property. Any person(s) renting or intending to rent residential property within the City of Hesperia shall also register the property in the Crime Free Rental Housing Program as required by Chapter 8.20 of this code. Failure to maintain both a rental housing business license and compliance with Chapter 8.20 shall constitute a public nuisance and grounds for withholding of the issuance of a rental business license.

5.72.110 – Maintenance requirements

All rental properties within the city shall be maintained with a standard of maintenance including, but not limited to:

1. Property is maintained and kept in a neat, habitable condition, including the absence of trash and debris as defined by this code.
2. All trash receptacles are emptied on a basis frequent enough to prevent spillage and a contract for disposal is maintained with the city's franchise waste hauler. Trash receptacles and enclosures are maintained and free of defects.
3. Graffiti, broken windows, fencing, and any other broken or unmaintained property component is repaired within 72 hours of notification to the owner or agent.
4. Parking areas are maintained and adequate parking is provided to discourage street parking or off-property parking
5. Common areas are maintained in a clean manner and residents are informed of rules designed to maintain the reasonable enjoyment of the property by all residents.
6. Residential rental properties with four (4) or more residential rental units shall have a sign showing the owner or management company name, address, and phone number posted in the on-site manager unit or management office, if any, which shall be identified by a notice at the front entrance to the property and shall be posted in a manner approved by the director.

7. Landscape is maintained, is not dead, and is kept in a neat, orderly manner to add to the enjoyment and aesthetics of the property, including the proper care and trimming of any trees or bushes on the property. The removal of landscape without replacement is not considered maintenance.
8. Pools, spas and hot tubs are maintained pursuant to requirements of the San Bernardino County Department of Public Health.
9. Play yards, playgrounds, and other amenities are maintained and free from trash, debris, and broken components.
10. Mechanical components, including but not limited to, heating, screening, water and sewer or septic tank maintenance or service, and other required components is kept in working order.
11. Sidewalks and walking paths are maintained and are in good repair.

5.72.120 – Crime Prevention through Environmental Design (CPTED) Requirements

1. All newly constructed rental properties shall incorporate CPTED design into the plan for development as required by the city.
2. Any rental property deemed by the city to perpetuate criminal activity, receive an inordinate number of calls for service, or present a threat to public health and safety may be required to submit a revised site plan and incorporate elements of CPTED modifications to their property for the purpose of creating a safe environment, identifying criminal activity or persons perpetuating criminal activity and lowering the likelihood of continuing criminal activity at the property. The cost for review of the plan and all modifications shall be the responsibility of the owner.
3. Failure to incorporate CPTED design if required, or modify the property as directed by the city is considered a public nuisance and may result in abatement measures as allowable by law.
4. All new multi-family construction with more than eight (8) units will be required to install a recorded video surveillance system for the complex. The system data will be maintained for at least one (1) month. The cameras must cover common areas, parking areas as well as vehicles entering and exiting the complex. Cameras should not cover or view areas that would be considered private such as inside individual units. The data and video are the sole property of the owners or operators. If law enforcement needs access to the video, the city highly encourages the owners or operators to assist. Existing multi-family complexes with more than eight (8) will have two (2) years to install and operate the same system described in this section.

5.72.130 – Rental Housing Business License Renewal

A. Renewal of rental housing business licenses shall include at a minimum:

1. Payment of all fees.
2. A completed and approved inspection if required by this chapter.
3. A completed and accepted self-certification.
4. Update of any information, including ownership, partnership, change in board of directors or mailing address of owner.
5. Update of any property manager or agent information.
6. Proof that the updated property manager information has been posted at the property as required by this chapter.

Attachment 2 Exhibit A

- B. Residential rental properties found to be kept in a substandard condition, receive a complaint of lack of maintenance, which are not properly self-certified, or which receive a disproportionate number of calls for service shall be subject to an inspection.
- C. Self-Certification
 - A. Annually, at the time of the rental housing business license renewal, each owner or agent shall complete a renewal form in a form approved by the director, and supply to the City updated contact information for all owners, and agents, and managers, as defined by this chapter.
 - B. The renewal shall include the requirement to self-certify to the City that the property is maintained in good order, has met all the requirements of this code and any other applicable state or local codes, and shall include photographs of good quality showing the frontage of the property, all side yards, parking areas, common areas, and any other areas that would normally be inspected as part of the annual maintenance inspection program. The photographs shall be taken during daylight hours, be time and date stamped and shall show all areas in context with enough physical landmarks to prove that the property is the property in question and eligible for renewal.
 - C. The renewal shall also include any renewal fees, paid in full at the time of self-certification.
 - D. Should the city review the self-certification and find deficiencies in quality of the photos, information provided or any other material fact, or deem the property to be a public nuisance, or not maintained according to the requirements of this code, the city shall, at its sole discretion, contact the owner or agent for more information, or perform an inspection of the property to confirm that the property is in compliance with all requirements of this chapter.
 - E. The city may request additional photographs or information at their sole discretion in order to properly self-certify the property.
 - F. Any inspection performed by the city shall be paid for in full by the owner prior to issuance of a renewal license.

5.72.140- Inspections.

- A. Owners shall allow the city to conduct an inspection of their residential rental properties for compliance with all applicable codes and the city's housing and property maintenance standards. The director, in his or her discretion, may include inspections by other city departments including, but not limited to, fire, building and safety, code enforcement or public health.
- B. Upon completion of the inspection, if no violations are identified, the director shall proceed with the issuance of a rental housing business license. If one or more violations are identified, then the director shall issue a notice of correction to the owner describing the violation and setting forth a time within which such violations shall be corrected. The owner shall pay a re-inspection fee in an amount established by resolution of the city council for each re-inspection following the issuance of notice of correction.

5.72.150 – Interior Inspections

- A. In accordance with this intent of this chapter, should the city determine that a property presents a public health risk, is improperly maintained, or has significant health and safety issues, the city may inspect the interior of any unit of the rental property, any interior common area or any other part of the property, and the owner shall fully cooperate in the process of gaining rightful access to the unit or property common area to facilitate the city's inspection.
- B. The owner or agent shall accompany the city during the inspection and receive copies of all formal reports of violations.

- C. Violations found during interior inspections shall be corrected in accordance with the notice by the city. Any permits, fees or costs required to abate violations and bring the property into compliance shall be the sole responsibility of the owner.

5.72.160- Complaints and violations.

Upon receipt of a complaint of violations of the housing and property maintenance standards, the code enforcement officer shall inspect the pertinent unit(s) and/or area(s) of the residential rental property. All violations shall be fully corrected with all city required permits, approvals and inspections and re-inspected within the time specified on the notice of the code enforcement officer in order to maintain a current Rental Registration Business License for a residential rental property.

Non-compliance with a notice to correct violations existing at the rental property shall constitute a public nuisance.

5.72.170 - Certificate of rental inspection compliance—Effect on remedies.

- A. This chapter is not intended to, and shall not be construed to limit, in any way, the remedies available to the city to prosecute persons for violations of law or to abate public nuisances

5.72.180 - Enforcement and penalties.

If, after notification of a violation, a property owner fails to correct a violation of the within the time allowed, the city may seek code compliance by any remedy allowed under this code or any other remedy allowed by law.

5.72.190 - Public nuisance.

Any residential rental property operated, conducted, or maintained contrary to the provisions, requirements, and regulations of the code shall be, and the same is declared to be harmful to the public health and safety, unlawful and a public nuisance.

5.72.200 Conflicts.

If the provisions, requirements, or regulations of this chapter conflict with or contravene any other provision, requirement, or regulation of the code, the provisions, requirements, or regulations of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

1.04.050 - Definitions.

The following words and phrases have the following meanings:

“Crime Prevention Through Environmental Design (CPTED)” shall mean the nationally recognized Crime Prevention Through Environmental Design program, as may be amended from time to time.

“Residential Rental Unit” shall mean any single family residence, duplex, or multi-family home, or any other residence occupied by a person who is not the property owner, for which there is an exchange of goods, or services, whether monetary or not.

“Lease Agreement” shall mean any agreement, in writing or verbal, between two parties wherein the exchange of goods, services, or monetary compensation is stated in exchange for occupying a residential rental unit.

**JOINT RESOLUTION NO. 2021-01
RESOLUTION NO. HWD-2021-01
RESOLUTION NO. HCDC-2021-01
RESOLUTION NO. HHA-2021-01**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, THE BOARD OF DIRECTORS OF THE HESPERIA WATER DISTRICT, THE BOARD OF DIRECTORS OF THE HESPERIA HOUSING AUTHORITY, AND THE BOARD OF DIRECTORS OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION, AMENDING THE CITY-WIDE FEE SCHEDULE

WHEREAS, on December 6, 2016 the City of Hesperia City Council, Hesperia Water District, Hesperia Fire District, Hesperia Housing Authority and Hesperia Community Development Commission adopted a revised City-wide fee schedule inclusive of all City, District, and Commission fees.

WHEREAS, Pursuant to Article XIII B (Proposition 4) of the California Constitution, it is the intent of the City Council of the City of Hesperia, the Board of Directors of the Hesperia Water District, the Board of Directors of the Hesperia Housing Authority, and the Board of Directors of the Hesperia Community Development Commission to recover costs reasonably borne from fees and charges for services rendered; and

WHEREAS, Pursuant to Article XIII C and Article XIII D (Proposition 218) of the California Constitution the fees, charges and regulatory fees are levied as an incident of the voluntary act of an individual or business and not the result of property ownership; and

WHEREAS, the City Council heard and took action on Ordinance No. 2020-13, related to the issuance of a permit to park a commercial vehicle on a residential or agricultural lot and fees for the program are necessary to recover costs related to the program; and

WHEREAS, commercial vehicles are found to cause increased aging to roadways not designed for commercial vehicle traffic and as such, a mechanism to rehabilitate these roads is included in the fees for commercial vehicle parking and permitting; and

WHEREAS, the City Council heard and took action on Ordinance No. 2020-14, related to the licensing and maintenance of rental properties and fees for the program are necessary to recover costs related to the program; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA, THE BOARD OF DIRECTORS OF THE HESPERIA WATER DISTRICT, THE BOARD OF DIRECTORS OF THE HESPERIA HOUSING AUTHORITY, AND THE BOARD OF DIRECTORS OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION, AS FOLLOWS:

Section 1. In all respects, the facts as set forth in this resolution are true and correct.

Section 2. The schedule of fees and charges set forth in Exhibit "A" are hereby adopted and shall be applied to the specified services. The effective date of this resolution shall be March 5, 2021.

Section 3. All fees described are for each identified process and additional fees shall be required for each additional process or service required.

Section 4. Interpretation of this resolution may be made by the City Manager or designee. When there are conflicts between fees, the lower fee shall be applied.

Section 5. If any section, sub-section, sentence, clause, or word in the resolution is held to be invalid by decision of any court of competent jurisdiction or action of State legislation, such decision or legislation shall not affect the validity of the remaining portions of this resolution.

Section 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 5th day of January, 2021

Cameron Gregg, Mayor

ATTEST:

Melinda Sayre
City Clerk

Attachment 5 Exhibit "A"

| | | | | | |
|------------------|---|--|--|--|---------------------------------------|
| SECTION 70: | | | Business License | | |
| Business License | | | | | |
| 11) | Rental Housing Business License | | | | |
| | | License Processing Annually – Existing (fees tiered for existing leases at a rate of 25% of total fees for year one, 50% of total fees for year two, 75% of total fees for three, until 100% of total fees are charged on year four) | | | |
| | A | 1. | Single Family Residential for first four years of registration – Then Section C2 shall apply | \$75 (represents tiered 25% of total rate for first year) + Current Business License Fee | |
| | | 2. | Multi-Family (Including Duplexes) for first four years of registration – Then Section C3 shall apply | \$50/unit (represents tiered 25% of total rate for first year)+ Current Business License Fee | |
| | B | New Application | | | |
| | | License Processing – New Leases- New Construction Annually | | | |
| | | 2. | Single Family Residential | \$300 + Current Business License Fee | |
| | | 3. | Multi-Family (Including Duplexes) | \$200/Unit + Current Business License Fee | |
| | | Owners who do not provide substantiated information on new or existing leases shall be charged at the new lease rate. | | | |
| | C. | Miscellaneous Inspection | | | \$400/unit or Single Family Residence |
| | D. | Inspection Cancellation Fee with no prior notice | | | Cost Reasonably Born |
| 13) | Residential Truck Parking Permit (in addition to standard business license fees for home occupation) | | | | |
| | A. | Parking Permit/Road Maintenance Fee- Tractor Only | | | \$200 per tractor annually |
| | B. | Parking Permit/Road Maintenance Fee –per trailer | | | \$800 per trailer annually |

RESOLUTION NO. 2021-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING RESOLUTION NO. 2021-02, AMENDING THE CITY-WIDE ADMINISTRATIVE BAIL SCHEDULE

WHEREAS, the administrative bail schedule was originally adopted via Resolution No. 2002-42; and

WHEREAS, Fines are levied as an incident of the voluntary act of an individual or business and not the result of property ownership; and

WHEREAS, the City of Hesperia is responsible for enforcement of the Hesperia Municipal Code in its entirety; and

WHEREAS, on January 5, 2021, the City Council heard and took action on Ordinance No. 2020-13, which amends Title 16 of the Hesperia Municipal Code related to parking of commercial vehicles on residential or agricultural lots; and

WHEREAS, the parking of commercial vehicles on residential properties, and the continual driving of commercial vehicles on City streets can cause undue noise, traffic, and other hazardous conditions, and ages the roads more quickly than usual; and

WHEREAS, the maintenance and rehabilitation of roads is of great concern and the aging of roads can place a strain on City resources, and;

WHEREAS, on January 5, 2021, the City Council heard and took action on Ordinance No. 2020-14, which amends Title 5 of the Hesperia Municipal Code related to the maintenance and licensing of residential rental properties; and

WHEREAS, the Council finds that the renting of residential property is a commercial enterprise and should be licensed as such, and;

WHEREAS, unmaintained residential rental properties lead to blight, unsafe conditions, dissatisfied tenants, and may lead to a decrease in property values and neighborhood aesthetics; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA, AS FOLLOWS:

- Section 1. In all respects, the facts as set forth in this resolution are true and correct.
- Section 2. The fines for violations of Chapter 16.20.090 and Chapter 16.20.095 shall be as amended by Exhibit "A", attached hereto and incorporated into the adopted City Bail Schedule.
- Section 3. The fines for violations of Chapter 5.72 of the Hesperia Municipal Code shall be as set forth in Exhibit "A", attached hereto and incorporated into the adopted City Bail Schedule.

Section 4. Interpretation of this resolution may be made by the City Manager or designee.

Section 6. If any section, sub-section, sentence, clause, or word in the resolution is held to be invalid by decision of any court of competent jurisdiction or action of State legislation, such decision or legislation shall not affect the validity of the remaining portions of this resolution.

Section 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 5th day of January, 2021

Cameron Gregg, Mayor

ATTEST:

Melinda Sayre
City Clerk

Attachment 7

**EXHIBIT
"A"**

| City of Hesperia Administrative Fine Schedule | | | | |
|--|--|-----------------|-------------------|-------------------|
| SECTION | DESCRIPTION | 1st | 2nd | 3rd |
| <u>5.72.050</u> | <u>License Required</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.070</u> | <u>Registration Requirements</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>5.72.090(D)(1)</u> | <u>Failure to Pay Fee</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.090(D)(2)</u> | <u>Failure to Obtain License</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.100</u> | <u>Crime Free Registration Required</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.110</u> | <u>Maintenance Requirements</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>5.72.130</u> | <u>Renewal Requirement</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.140</u> | <u>Inspections</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>5.72.150</u> | <u>Interior Inspections</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>10.25.020</u> | <u>Traveling on Restricted Streets</u> | <u>\$500.00</u> | <u>\$750.00</u> | <u>\$1,000.00</u> |
| <u>16.20.090</u> | <u>Residential Parking Standards</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.090H(2)</u> | <u>General <u>Parking</u> Requirements</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.090H(3)</u> | <u>Street Parking Prohibited</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.090I</u> | <u>Permit Required</u> | <u>\$750.00</u> | <u>\$1,000.00</u> | <u>\$1,250.00</u> |
| <u>16.20.090K</u> | <u>Commercial Vehicle Parking Restrictions</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.090L</u> | <u>Commercial Vehicle Standards</u> | <u>\$200.00</u> | <u>\$500.00</u> | <u>\$750.00</u> |
| <u>16.20.090J</u> | <u>Trailer Storage</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.090J</u> | <u>Accessory Vehicles</u> | <u>\$100.00</u> | <u>\$200.00</u> | <u>\$500.00</u> |
| <u>16.20.095</u> | <u>Non-Residential Parking Standards</u> | <u>\$200.00</u> | <u>\$400.00</u> | <u>\$600.00</u> |