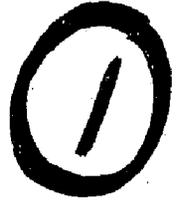




CITY OF SACRAMENTO



DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

Administration
Room 300 449-5571
Building Inspections
Room 200 449-5716
Nuisance Abatement
Room 301 449-5948
Planning
Room 200 449-5604

July 20, 1989

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

**SUBJECT: Ordinance Adding Article XV, to Chapter 25 of the Sacramento City Code
Relating to Residential Automotive Repair and Maintenance**

SUMMARY:

This report recommends City Council adoption of a new ordinance to help control home automotive repairs being conducted in residential zones.

BACKGROUND

Section 2-H-12 of the Sacramento City Zoning Ordinance allows the repair or maintenance of automobiles and other vehicles in a residential zone, if the work is performed on a vehicle registered to an occupant of the premises. Currently City zoning laws restrict the number of vehicles undergoing repair to no more than two. An automotive repair business is a prohibited use in a residential zone.

Over 308 home auto repair complaints were received by the Nuisance Abatement Division in 1988. Over 160 similar complaints had been received by the end of May 1989.

Current City attempts to eliminate ongoing home auto repair operations from residential neighborhoods have been difficult to achieve, as generally the repairs are being conducted at times beyond normal City working hours. Staff has spent many overtime hours investigating such complaints, attempting to catch the operator(s) in the act. Another difficulty has been to legally establish that a business is being conducted at a particular residence, i.e., exchange of funds or goods for services rendered.

The investigative and enforcement process may span a time period of three to nine months, depending on the number of variables including the caseload of not only the assigned City Attorney, but also the court system.

Staff recommends the allowance of minor automotive repair and major automotive repair (with restrictions) in residential zones. Minor repairs may include: brake part replacement, minor tune up, change of oil and filter, repair of flat tires, lubrication and other similar operations. Examples of major repairs that would be prohibited in residential zones include removal of engines, transmissions, rear differentials or axles, or body and paint work. However, such major repairs could be performed by an occupant of the premises within a

fully enclosed structure, with the exception of painting. Both minor and major repairs would restrict the number of vehicles undergoing repair or maintenance to no more than two at any one time.

The enforcement process recommended to be followed under the proposed ordinance would include: investigation of an auto repair complaint, issuance of a field warning notice directing that all such repairs cease within a given period of time. If the repairs are still in progress after the time for compliance, a citation could be issued to the property owner, vehicle owner, or the person in control of the property. A citation could be issued daily for as long as the violation exists.

FINANCIAL DATA

There is no fiscal impact associated with the proposed ordinance or this report.

There is no estimate at this time as to the amount of revenue which enforcement of the proposed ordinance would produce.

POLICY CONSIDERATIONS

None.

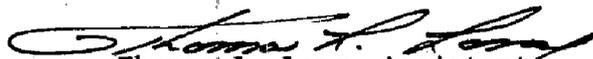
MBE/WBE EFFORTS

Not applicable.

RECOMMENDATION

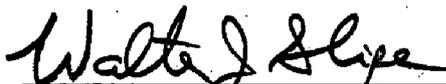
That the Law and Legislation Committee recommend to the full City Council, adoption of the attached ordinance adding Article XV to Chapter 25 of the Sacramento City Code, relating to Residential Automotive Repair and Maintenance.

Respectfully submitted,


Thomas L. Long, Assistant
Neighborhood Services Manager

RECOMMENDATION APPROVED:

July 20, 1989
All Districts


Walter J. Slupe, City Manager

Contact Person: Thomas L. Long, 449-5948

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING ARTICLE XV, SECTIONS 25.400,
25.401 AND 25.402 TO CHAPTER 25 OF THE
SACRAMENTO CITY CODE, RELATING TO
RESIDENTIAL AUTOMOTIVE REPAIR AND MAINTENANCE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1

Article XV is hereby added to Chapter 25 of the Sacramento City Code to read as follows:

ARTICLE XV. Residential Automotive Repair and Maintenance

25.400 Minor Repair and Maintenance of Personal Motor Vehicles is Allowed in Residential Zones, Subject to the Following Limitations:

(a) Definitions

- (1) Minor vehicle repair is defined as including alternator, generator, starter, water pump, fuel pump, battery replacement, brake part replacement, minor tune-up (which consists of distributor cap, rotor and spark plug replacement) change of oil and filter, fan belt, hose, lamp replacement, repair of flat tires, lubrication and spot painting.
- (2) A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. (Section 670 California Vehicle Code).

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

- (3) For the purposes of this Section, a personal motor vehicle is defined as a vehicle currently registered to an occupant of the premises and to which all registration fees as required by the California Department of Motor Vehicles have been paid and are current.
- (b) It shall be unlawful and a public nuisance for any person to engage in, or permit others to engage in, minor vehicle repair or maintenance under any of the following conditions:
- (1) Upon vehicles registered to persons not currently residing on the premises.
 - (2) Repair of vehicles outside a fully enclosed structure, except that minor repairs may be performed outside of a structure as long as the time period does not exceed 48 hours.
 - (3) When more than two (2) vehicles are undergoing minor repair or maintenance at one time.
- (c) The person performing any minor vehicle repair, or the owner of any vehicle which allows any person to perform any minor repair, or any person in control of the premises on which the vehicle repairs are being performed, may be cited for violation of this ordinance.

25.401 Major Repair and Maintenance of Vehicles.

- (a) It shall be unlawful and a public nuisance for any person to engage in, or permit others to engage in, major repair or maintenance of vehicles in any residential zone, except if the repairs are performed within a fully enclosed structure and such repairs are upon a vehicle currently registered to an occupant of the premises. And, under no circumstances may more than two (2) vehicles be undergoing repair at one time.

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DATE ADOPTED: _____

(b) Definitions

- (1) Major repair and maintenance includes, but is not limited to, the removal of engines, rebuilding of engines, repair of the internal components, repair or removal of transmissions, repair or removal of differentials or axles, dismantling of vehicles, body or paint work (except spot painting). Body painting must be conducted in a proper zone in an approved spray booth.
 - (2) A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks (Section 670 California Vehicle Code).
 - (3) For the purposes of this Section, a personal motor vehicle is defined as a vehicle currently registered to an occupant of the premises and to which all registration fees required by the California Department of Motor Vehicles have been paid and are current.
- (c) The person performing any major vehicle repair, or the owner of any vehicle which allows any person to perform any major vehicle repair, or any person in control of the premises on which the vehicle repairs are being performed, may be cited for violation of this ordinance.

25.402 Accumulation of Vehicle Parts.

It shall be unlawful and a public nuisance to accumulate vehicle parts and auto body parts outside a structure, that are within view of persons on adjacent or nearby real property or the public right-of-way.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____