

ORDINANCE NO.: 557 - 20

AN ORDINANCE (DCA 2019-1880) OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, AMENDING TITLE 5.04, 8.12 AND 8.44, AND AUTHORIZING THE FILING OF THE ENVIRONMENTAL DETERMINATION.

**WHEREAS**, the City of Murrieta proposes an amendment to the City's Municipal Code for the purpose of expanding the exemption for payment business license fee for Large Family Day-Care Facilities as it pertains to Title 5.04 (Business Licenses Generally) and specifically Section 5.04.060.F (Charitable activities exemption) in order to be consistent with the provisions of Senate Bill 234; and

**WHEREAS**, the City of Murrieta proposes an amendment to the City's Municipal Code for the purpose of removing the requirement the recordation of Conditions, Covenants and Restrictions (CC&R's) for the purposes of graffiti removal as it relates to Title 8.12 (Graffiti) and specifically to Section 8.12.030, entitled (Land Use Permits); and

**WHEREAS**, the City of Murrieta proposes an amendment to the City's Municipal Code for the purpose of the enforcement of obligations set forth in any covenants, conditions, and restrictions and/or home owners association rules and regulations which may apply to property as described under Title 8.44 (Abandoned Residential Property Registration) and specifically to Section 8.44.060, entitled (Maintenance requirements); and

**WHEREAS**, existing provisions of the City of Murrieta Municipal Code includes regulations for the implementation Conditions, Covenants and Restrictions (CC&R's); and

**WHEREAS**, the City does not have specific enforcement powers with respect to the implementation of Conditions, Covenants and Restrictions (CC&R's) and therefore negate the need for this to be described in the above referenced sections; and

**WHEREAS**, the City has been utilizing other enforcement methods with respect to Conditions, Covenants and Restrictions (CC&R's); and

**WHEREAS**, the City Council further declares that the provisions of this Ordinance are intended to promote a clearer delineation of enforcement powers; and

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Murrieta, does ordain as follows:

**SECTION 1.**

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

**SECTION 2.**

Chapter 5.04, entitled "Business Licenses Generally" Section 5.04.060, entitled "Charitable activities exemption" of the Murrieta Municipal Code is hereby amended to read as follows:

**5.04.060 Charitable activities exemption.**

A business license shall be issued but the provisions of this section shall not be deemed or construed to require the payment of a business license fee:

A. For conducting any business by any nonprofit institution, corporation, organization, or association organized or conducted for nonprofit purposes only, when the receipts derived are to be used wholly for the benefit of the organization, and, except for wages paid to employees of such organization, not in whole or part for the private gain of any person. The exemption provided for in this section shall not apply to promoters employed by the nonprofit institutions, corporations, organizations or associations.

B. For conducting any entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects, whenever the receipts thereof are to be distributed to any church or school or to any religious or benevolent purpose within the city.

C. For conducting any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county, or municipal organization or association whenever the receipts thereof are to be for the purpose and objects for which such organization or association was formed, and from which profit is not derived either directly or indirectly by any person. This provision also applies to the Murrieta chamber of commerce.

D. By any business which is exempt from payment of the business license fee to municipal corporations under, on account, or by virtue of the provisions of the constitution or laws of the United States of America or of the state of California.

E. Any disabled veteran having honorable discharge papers showing disability incurred while in service who is unable to earn a livelihood by manual labor, who is a qualified elector of this city at the time of the application for a license and who shall have been a bona fide resident of this city for thirty (30) days immediately preceding the date on which application for such license is made shall be exempt from the business license fee. This exemption applies to the veteran personally and shall not apply to a distributing or other business conducted by such veteran in which others are employed.

F. By any person furnishing full or part time day care service to not more than fourteen children.

G. When a business, otherwise exempt pursuant to this section, is conducted by a nonexempt person on behalf of such business, the exemption shall be applicable only with regard to the exempt business, and shall not be applicable with regard to the business or gross receipts of the nonexempt person.

H. Nothing in this section shall be deemed to exempt any person from complying with other provisions of this code, or any other law or regulation requiring a permit or other approval from the city council, or any other public officer or body to conduct any business.

### **SECTION 3.**

Chapter 8.12, entitled "Graffiti," Section 8.12.030, entitled "Land Use Permits" of the Murrieta Municipal Code is hereby amended to read as follows:

#### **8.12.030 Land use permits.**

In approving tentative or parcel maps, conditional use permits, plot plans, public use permits, or other similar land use entitlements, the city may impose any or all of the following requirements to prevent and/or facilitate the removal of graffiti:

- A. Use of Anti-Graffiti Material. Developer shall apply an anti-graffiti material of a type and nature that is acceptable to the director of planning and development, to each of any publicly-viewable surfaces on the improvements to be constructed, on sites deemed to be likely to attract graffiti by the director of Development Services.
- B. Approved Color/Palette for Graffiti Attractive Surfaces. Developer shall use an approved color palette for paint and/or anti-graffiti material on surfaces which have been designated "graffiti attractive" by the director of planning and development. The palette shall include a range of five color choices approved by the director of Development Services.
- C. Availability of Anti-Graffiti Material and Paint to City by Developer. Prior to the issuance of a building permit, developer shall provide to the city the name of the manufacturer and supplier of the anti-graffiti material referenced in subsection A of this section, and the color palette and manufacturer code number of the paint(s) utilized to cover all exterior surfaces of approved structures and walls. If the developer fails to abate a graffiti condition, either voluntarily or after requested to do so by the city, the city shall purchase the necessary anti-graffiti material and/or paint for the purpose of graffiti removal. All costs of removal shall be assessed in accordance with Sections [8.12.130](#) through [8.12.150](#) of this chapter.

#### **SECTION 4.**

Chapter 8.44, entitled "Abandoned Residential Property Registration", Section 8.44.060, entitled "Maintenance requirements" of the Murrieta Municipal Code is hereby amended to read as follows:

##### **8.44.060 Maintenance requirements.**

In addition to the requirements of [Chapter 8.20](#) of this code, properties subject to registration under Section [8.44.050](#) shall comply with the following:

- A. In comparison to the neighborhood standard, the property shall be kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- B. The property shall be maintained free of graffiti, tagging, or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.
- C. All yards visible from the public right-of-way shall be landscaped and maintained to the neighborhood standard at the time registration was required.
  - 1. Landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark, or artificial turf or sod designed specifically for residential installation.
  - 2. Landscape does not include weeds, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet, or any similar material.
  - 3. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscape, and removal of all trimmings.

D. Pools and spas shall either be kept in working order and treated so the water remains clear and free of pollutants, debris, and any kind of larvae that would cause a health danger to the surrounding vicinity, or drained and kept dry. In either case, properties with pools or spas must comply with the minimum security fencing requirements of the State of California.

**SECTION 5.**

All ordinances and provisions of the Murrieta Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

**SECTION 6. CEQA.**

The City Council finds the introduction and adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, as it is certain that the proposed Development Code revisions have no significant adverse effects on the environment.

**SECTION 7. EFFECTIVE DATE**

This ordinance shall take effect and be enforced thirty (30) days following its adoption.

**SECTION 8. NOTICE OF ADOPTION**

The City Clerk shall certify to the adoption of this ordinance and shall publish a summary of this ordinance and post a certified copy of the full ordinance in the office of the City Clerk at least five (5) days prior to the adoption of the proposed ordinance; and within fifteen (15) days after adoption of the ordinance, the City Clerk shall publish a summary of the ordinance with the names of the council members voting for and against the ordinance.

ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 3<sup>rd</sup> day of March, 2020.

Gene Wunderlich  
Gene Wunderlich, Mayor

ATTEST:

Stephanie D. Smith  
Stephanie D. Smith, MMC, City Clerk

APPROVED AS TO FORM

Leslie E. Devaney  
Leslie E. Devaney, City Attorney

I, Stephanie D. Smith, MMC, City Clerk of the City of Murrieta, California, do hereby certify under penalty of perjury that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 18<sup>th</sup> day of February, 2020 and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the 3<sup>rd</sup> day of March, 2020, by the following vote, to wit:

AYES: Ingram, Seyarto, Vinton, White, Wunderlich

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Murrieta, California, this 3<sup>rd</sup> day of March, 2020.



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Stephanie D. Smith, MMC, City Clerk