

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SANTA CLARA,  
CALIFORNIA, AMENDING SECTION 8.30.030 (“PROPERTY  
MAINTENANCE-PUBLIC NUISANCE”) OF CHAPTER 8.30  
 (“PUBLIC NUISANCES”) OF TITLE 8 (“HEALTH AND  
SAFETY”) OF “THE CODE OF THE CITY OF SANTA  
CLARA, CALIFORNIA”**

**BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, the City Council of the City of Santa Clara (the “Council”) has the authority to take action to protect the public welfare, health and safety of its citizens;

**WHEREAS**, the Council finds and declares that the general welfare of the community is founded, in part, upon the appearance and maintenance of private properties;

**WHEREAS**, the Council finds and declares that there is a need for further emphasis on property maintenance and sanitation in that certain conditions, as described herein, have been found from place to place throughout the city;

**WHEREAS**, the Council finds and declares that the existence of the conditions as described herein, is injurious to the public health, safety and welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighborhoods;

**WHEREAS**, the Council finds and declares that unless corrective measures are undertaken in a timely manner to alleviate such existing conditions, and assure the avoidance of future problems in this regard, the public health, safety and general welfare and specifically the social and economic standards of the community will be depreciated; and

**WHEREAS**, the Council finds and declares that it is in the public interest to establish a non-inclusive list of those activities, uses of property, and conditions of property which constitute public nuisances.

**NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**SECTION 1:** That Section 8.30.030 of Chapter 8.30 (“Public Nuisances”) of Title 8 (“Health and Safety”) of “The Code of the City of Santa Clara, California” (“SCCC”) shall be deleted in its entirety and a new SCCC 8.30.030 shall be added to read as follows:

**“8.30.030 Property maintenance standards—Public nuisances.**

It is unlawful, and a public nuisance, for any responsible person, to maintain or allow to be maintained, permit or cause the property, including adjacent parkways, sidewalks or streets, to be maintained with any of the following conditions which are visible from the street, sidewalk, or public right-of-way:

(a) The exterior accumulation of weeds, dirt, litter, rubbish or debris, including uncontained trash and garbage in and around refuse containers or dumpsters, on the property to such an extent that it represents an ongoing condition or constitutes visual blight. SCCC Title 8 and SCCC Title 15 will continue to apply in situations where weeds and rubbish on private property are not necessarily visible to public view.

(b) Neglected or inadequately maintained landscaping, trees, hedges, lawns, shrubs, plants or other vegetation, which:

(1) Is dead, decayed, diseased, debris laden, weed infested, overgrown, or dying as a result of neglect, physical damage, disease, pest infestation or lack of water;

(2) Is overgrown as to be blighted or likely to harbor rats or vermin;

(3) Could create a fire hazard or is otherwise dangerous to the public health, safety and welfare;

(4) Interferes with or impedes the flow of traffic, whether vehicular or pedestrian, or obstructs visibility on streets, intersections, sidewalks or other public rights-of-way; or

(5) Creates a blighted appearance due to lack of water. Provided, however, that the provision as to dead or dying vegetation due to lack of water shall not be enforced during a drought, as determined by the City. For purposes of this section, a lawn area shall be deemed overgrown if fifty (50%) percent or more of its area exceeds six (6) inches in height.

(c) The parking of vehicles on lawns, vegetation, dirt, or any other surfaces which are not paved and graded so as to eliminate dust or any mud and drained as to dispose of all surface water per the City's standard specifications on file.

(d) The removal or failure to maintain in good condition any fencing required as a condition of any permit or development approval or included in the project plans or application, as approved by the City, including, but not limited to, those fences which abut major thoroughfares, sound walls or those fences required by a use permit. In addition, any required fence must be maintained consistent with and/or match the materials used when the fence was originally constructed.

(e) Buildings, windows, doors, walls, fences, trash enclosures, yard areas, parking areas or other structures, which are:

(1) Significantly cracked or broken, fallen, decayed, dry-rotted, warped, deteriorated, defective, defaced, in disrepair or missing components, or which either (A) threaten structural integrity, or (B) results in a dilapidated, decaying, disfigured, or partially ruined appearance to such an extent that they contribute to blight or threaten the public health, safety or welfare;

(2) Unmaintained fences which are leaning or listing more than 15 degrees from perpendicular or are in danger of collapse due to the elements, pest infestation, dry rot, lack of maintenance or other damage;

(3) Poorly maintained or not regularly kept in a neat and orderly condition so as to become so defective, blighted, or in such condition of deterioration or disrepair that the same causes depreciation of the values of surrounding property or is materially detrimental to nearby properties and improvements.

(f) The existence of indoor plumbing fixtures, (including but not limited to toilets or sinks) appliances or furniture, excluding lawn and patio furniture.

(g) Public nuisances and attractive nuisances including but not limited to:

(1) Abandoned, neglected, inoperable, and broken equipment, vehicles, furniture, appliances or machinery;

(2) Improperly fenced, unsanitary or otherwise hazardous pools, ponds and excavations.

(h) Storage, stockpiling, or maintenance of any of the following items on private property must be visually screened from any public right-of-way, except as noted in section (5) below. Objects and activities will be considered “screened” when they are either (i) not visible to their full height from a public right-of-way, or (ii) behind a solid six-foot-high fence, wall, or hedge where such fence, wall, or hedge is otherwise permitted by zoning and building codes.

(1) Building materials, including but not limited to lumber, metal, dirt piles, landscape materials, trash, salvaged materials, or other debris (including, but not limited to, auto parts, scrap metals, tires, concrete, bricks, cans, bottles and plastic materials), which has been

present on the property for more than 180 days (excluding stacked firewood or lumber for a construction project on the property with a current valid permit).

(2) Furniture or other equipment, including but not limited to couches, sofas, chairs, bedsprings, mattresses, all types of office furniture, shelves, lockers, tables, ping pong tables, drapery, shades hardware, household appliances, sinks, heaters, boilers, tanks, machinery, other household or commercial equipment, or any parts thereof.

(3) Moving or packing materials, including but not limited to packing boxes, bags, packing materials, or other transport containers, which has been present on the property for more than 72 hours.

(4) No furniture or equipment may be placed on any roof, including chairs, mattresses, couches, tables, furniture, or other materials may be placed on any roof, patio cover, carport, shed top, or similar structure.

(5) The following may be allowed in front yards under the noted exceptional circumstances: barbecues and patio furniture including chairs, lounges side tables that are designed and intended for outdoor use may remain on a porch or in a walled front patio, where the walls are designed in accordance with fence height regulations. Waste haulers and recycling containers may be placed for pickup. Portable on demand storage containers (PODS) used for the temporary storage of personal property owned or rented by the occupants may be allowed for a period not to exceed one month. Building materials, vehicles, equipment, or construction tools may be placed in yards during construction with a valid building permit.

(i) Broken windows constituting blighted or hazardous conditions or which invite trespassers and malicious mischief.

(j) Property otherwise maintained in such a blighted condition, or in such condition of disorder or disarray, deterioration or disrepair that the same causes appreciable diminution of the property values of surrounding properties or is materially detrimental to the enjoyment of proximal properties and improvements.

In addition to any other remedy provided by law, the provisions of this section may be enforced in accordance with any of the procedures set forth in this Chapter or in Title 1 of this Code.”

**SECTION 2: Constitutionality, severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

**SECTION 3: Effective date.** This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

**PASSED FOR THE PURPOSE OF PUBLICATION** this \_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST:

\_\_\_\_\_  
ROD DIRIDON, JR.  
CITY CLERK  
CITY OF SANTA CLARA