

**ORDINANCE NO. 2007-17**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF SAN JUAN BAUTISTA  
ADDING CHAPTER 5-8 (“PROPERTY MAINTENANCE”)  
TO THE SAN JUAN BAUTISTA MUNICIPAL CODE  
TO ESTABLISH CERTAIN PROPERTY MAINTENANCE STANDARDS**

**WHEREAS**, the City of San Juan Bautista is a largely well maintained historic city where residents take pride in the appearance of their properties and in the appearance of their community, and notwithstanding the efforts of the vast majority of City’s residents to maintain the City’s good appearance, there are occasions where conditions on individual parcels have detracted from the City’s otherwise outstanding appearance; and

**WHEREAS**, the Council desires to put in place an ordinance that will allow City’s enforcement personnel to correct conditions that detract from City’s beauty, safety, health, or general public welfare.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Chapter 5-8 hereby is added to the San Juan Bautista Municipal Code, to read as follows:

**5-8-100 Prohibited nuisances.**

It shall be unlawful, and it is hereby declared to be a public nuisance and a public offense punishable and enforceable pursuant to, without limitation, Chapters 2-7 and 13-1 of this Code, for any person owning, leasing, occupying or having charge of any property within the City to maintain such premises in such a manner that any one or more of the conditions or activities described in Sections 5-8-105 through 5-8-225, following, are found to exist.

**5-8-105 Interference with drainage pattern.**

Land, the topography or configuration of which, in any man-made state, whether as a result of grading operations, excavations, fill or other alteration, interferes with the established drainage pattern over the property or from adjoining or other properties which does or may result in erosion or flooding on any property.

**5-8-110 Buildings in state of disrepair or partial construction.**

Buildings or structures which are partially destroyed, abandoned (meaning not occupied or in use for any purpose, and no maintenance having been performed) or permitted to remain in a state of partial construction or disrepair for more than six months.

**5-8-115 Unsecured vacant buildings.**

The failure to keep secure from public access all doorways, windows and other openings into vacant or abandoned (as defined in Section 5-8-110) buildings or structures.

**5-8-120 Buildings requiring paint.**

Painted buildings that require repainting, and walls, retaining walls, fences or structures, or building, walls, fences or structures upon which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping, termite infestation, or direct exposure to harmful weather conditions.

**5-8-125 Graffiti.**

Any building or structure, wall, fence, pavement or walkway upon which any graffiti is allowed to remain for more than forty-eight hours. (If corrected by painting, the paint shall match as closely as possible the underlying paint color.)

**5-8-130 Broken windows.**

Broken, inoperable, dilapidated windows that do not provide intended function, are not sealed to the weather, no longer provide required light and ventilation, or no longer provide required egress.

**5-8-135 Untended vegetation.**

Overgrown, dead, decayed or hazardous vegetation which:

1. May harbor rats, vermin or other disease carriers;
2. Is an obstruction to the vision of motorists or a hazardous condition to pedestrians or vehicle traffic, or in violation of applicable line of sight laws, rules or regulations;
3. Constitutes an unsightly appearance;

**5-8-140 Blighted building conditions.**

Building exterior, roofs, landscaping, grounds, walls, retaining and crib walls, fences or driveways which are defective, unsightly or no longer viable, and readily visible from any public way or adjacent parcel of property in a state of unsightliness so as to constitute a blighted condition detrimental to the property values in the neighborhood or otherwise detrimental to the public health, safety or welfare;

**5-8-145 Litter accumulation.**

Except where construction is occurring under a valid permit, and contractors/owners are proceeding in compliance with applicable law, any placing, keeping, storage, depositing or dumping or accumulation on any lot, parcel or tract of land, improved or unimproved, or any litter consisting of garbage, refuse, trash, dirt,

of any rocks, refuse, litter, garbage, feces, gravel, concrete or other similar materials, or debris, and all other waste material, whether by natural or man-made causes, and whether intentionally or unintentionally in place that constitute visual blight or reduce the aesthetic appearance of the neighborhood or offensive to the senses or detrimental to nearby property or property values, provided, however, that nothing herein contained shall be construed to require the removal from the lot or the borders of any sidewalk of any ornamental plant, lawn, shrub or trees or reasonable growth, that are not obstructions to the free use of such sidewalk, or represent a threat to life, safety or health.

**5-8-150 Unsightly accumulation of personal property.**

Except where construction is occurring under a valid permit and contractors/owners are proceeding in compliance with applicable law, the keeping, storage, depositing or accumulation on the premises of any personal property within the view of persons on adjacent real property or the public way when such personal property constitutes visual blight, reduces the aesthetic appearance of the neighborhood, is offensive to the senses or is detrimental to nearby property or property values. Personal property includes, but is not limited to, abandoned, wrecked, broken or neglected equipment and machinery, dismantled automobiles or dilapidated or unseaworthy boats or vessels, automotive parts and equipment, appliances, furniture, containers, packing materials, scrap metal, wood, pools, ponds, excavations, abandoned wells, shafts, basements or other holes, abandoned refrigerators or other appliances, abandoned or inoperable motor vehicles, any unsound structure, or accumulated lumber, trash, garbage, building materials, rubbish and debris or vegetation which may reasonably attract children to such abandoned or neglected conditions. Wood and building materials being used, or to be used, for a project of repair or renovation and for which an active building permit is in place may be stored for as long as is necessary to complete the project expeditiously, so long as a valid permit is maintained. Upon expiration or cancellation of the permit, wood and building materials for the project must be immediately removed or otherwise legally stored.

**5-8-155 Condition of parking lots.**

Deteriorated parking lot surfaces, drainage systems, insufficient (or absence of required) ground cover, lack of adequate maintenance, presence of unsafe, unhealthy or unsightly condition.

**5-8-160 Deposit of litter onto public place.**

Sweeping into, deposit or the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway into any gutter, street or other public place. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter, weeds and graffiti.

**5-8-165 Storage of construction materials.**

Without the consent of the City Manager or existence of valid building permit, keeping construction equipment, supplies, materials or non-vehicular machinery of any type or description, stored upon any street or property within a residential zone in clear view of the public way.

**5-8-170 Visible refuse and trash.**

Refuse or trash placed so as to be visible from neighboring properties or streets, except for those times scheduled and allowed for collection.

**5-8-175 Accumulation of grease and other material.**

Any property with accumulations of grease, oil or other hazardous material on paved or unpaved surfaces, driveways, buildings, walls or fences, or from which any such material flows or seeps on to any public street or other public or private property.

**5-8-180 Condition of yard areas.**

Any front yard, parkway or landscaped setback area which lacks turf, other planted material, decorative rock, bark or planted ground cover or covering.

**5-8-185 Illegal use of recreational vehicles.**

Use of parked or stored recreational vehicles as living space where not otherwise allowed.

**5-8-190 Unsafe building.**

Any building or structure which is structurally unsafe or which lacks adequate ventilation, sanitation or plumbing facilities or not provided with adequate egress, or which constitutes a fire hazard, or use that constitutes a hazard to safety or health or public welfare, or is in violation of applicable law.

**5-8-195 Dumping of waste materials.**

Except where construction is occurring under a valid permit and contractors/owners are proceeding in compliance with applicable law, the dumping of any waste matter in or upon any public or private street, highway, right-of-way, or in or upon any private property, or in or upon any public park or any public property other than property designated or set aside for that purpose by the governing board or body having charge of that property.

**5-8-200 General nuisance.**

Any other condition declared by any state, county, or city statute, code or regulation to be a public nuisance.

5-8-205           **Inoperable vehicles.**

Inoperable or abandoned trailers, campers, boats or vehicles located on vacant property or in front yards of developed lots, within clear view of the public way, unless otherwise allowed by law.

5-8-210           **Laundry.**

Laundry, clothes or household linens viewable from the public right-of-way, unless such laundry, clothes or household linens are on a clothes line in the rear yard or side yard of a property or unless such clothes or household linens are being sold at a legally permitted garage or yard sale.

5-8-215           **Servicing personal property.**

Dismantling, disassembling, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing of any personal property such as, but not limited to, vehicles, boats, trailers, machinery, equipment, appliances, furniture or other personal property, for a period in excess of seventy-two consecutive hours, within clear view of the public way unless otherwise allowed by law.

5-8-220           **Dangerous and unsightly conditions.**

Any dangerous or unsightly condition which is detrimental to the public health, safety, or welfare.

5-8-225           **Signs.**

Signs which are otherwise lawful but maintained in a deteriorated condition; temporary signs that advertise or are related to events which have already taken place.

5-8-230           **Application of other Code provisions.**

This chapter is not the exclusive regulation of the conditions and activities defined and described in this Chapter. It is supplementary and in addition to any other applicable regulatory codes, statutes, and ordinances heretofore or hereafter enacted by City, the state, or any other agency having jurisdiction. In the event of a violation enforceable and punishable under this Chapter and under such other code, statute, or ordinance, the City Attorney may proceed under such law as he or she determines most appropriate under the factual and legal circumstances presented.

**SECTION 2. Severability.** This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section, or part thereof, so declared to be unconstitutional or invalid.

**SECTION 3. Effective Date.**

This ordinance shall go into effect thirty (30) days

after the date of its adoption.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City County on the 15<sup>th</sup> day of May, 2007, and was adopted at a regular meeting of the San Juan Bautista City Council on the 19<sup>th</sup> day of June, 2007, by the following vote:

**AYES: Hill, Dias, Edge, Laverone**

**NOES: None**

**ABSENT: Paradice**

**ABSTAIN: None**

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**Priscilla J. Hill, Mayor**

**ATTEST:**

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**Trish Paetz, Deputy City Clerk**

**APPROVED AS TO FORM:**

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**George Thacher, City Attorney**