

Ordinance No. 2010-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ADDING CHAPTER 7-5 TO THE MUNICIPAL CODE, REGARDING REFUSE AND STORAGE CONTAINERS

THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS
FOLLOWS:

SECTION 1. Chapter 7-05 hereby is added to the San Juan Bautista Municipal
Code to read as follows:

Sections:

- 7.05.010 Definitions.
- 7.05.020 Permit required for storage container or refuse container on city rights-of-way
- 7.05.030 Permits for storage containers.
- 7.05.040 Permits for large refuse containers.
- 7.05.050 Permitted use with a valid building permit and business license
- 7.05.060 Exempt

7.05.010 Definitions.

For the purpose of this chapter the following terms shall apply:

“Large refuse containers” shall mean refuse containers in excess of 100-gallon capacity used for collection of garbage, rubbish and/or refuse.

“City rights-of-way” shall mean streets and alleys owned by the City.

“Storage containers” shall mean any container, storage unit, shed-like container, cargo boxes, “portable on-demand storage structures (e.g., “PODS”),” or other portable structure that can be or is used for any purpose. Except as provided by Chapter 11.04.080.B (applicable to commercial and industrial zoning districts only), the maximum height allowed is 8 feet, 6 inches. Maximum length allowed is 20 feet. Maximum width allowed is 8 feet.

7.05.020 Permit required for large refuse container or storage container on city rights-of-way.

(a) No person shall cause or allow a large refuse container or storage container to be placed on any city rights-of-way without first obtaining a permit from the city.

(b) Before placing a large refuse container or storage container on any city rights-of-way a person must submit a request (in the form of a letter, or on an application for permit form provided by City) to the City Manager, to include at a minimum the size of the container, proposed location on the right-of-way, length of time for placement, and reason for placement. A current City business license and an insurance certificate providing liability insurance in the amount of \$100,000 provided by the company supplying the large refuse container or storage container must accompany the letter or form application. The City Manager or designee shall approve the request if approval would be consistent with this Chapter, and if approval would not be detrimental to the health, safety, and welfare of City and its residents and visitors.

7.05.030 Residential Storage containers – Quantity and Time Limits.

Except as allowed by the provisions of SJBMC Chapter 11.04 – Additional Development Standards, in residential areas one storage container shall be allowed for a period not to exceed 30-days with no extensions. Approval for two storage containers for simultaneous use in the same location shall be limited to seven days with no extensions. No property shall be granted more than two storage container permits within any 12-month period.

7.05.040 Residential Large refuse containers – Size, Quantity and Time Limits

In residential areas large refuse container permits shall be granted for a period not to exceed seven days. At the expiration of this period an applicant may seek a one-time extension for an additional seven days by requesting such from the City Manager, or designee. No property shall be granted more than two refuse container permits within any 12-month period; a seven day extension, as provided for in this Section, shall be deemed a separate permit. Only one refuse container unit may be placed pursuant to a permit and permits shall not be granted so as to run either concurrently or consecutively except in the case of an extension.

7.05.050 Permitted use with a valid building permit and business license.

(a) The provisions of this chapter shall not apply to the use or placement of construction refuse containers or storage containers pursuant to a valid building permit and business license.

(b) Persons obtaining a building permit from the city must receive approval from the City Manager or designee for the location and duration of the placement of the refuse container and/or storage container prior to the issuance of said building permit. There shall be no fees associated with the approved placement of the construction refuse container or the storage container with a valid building permit if said container is placed on private property.

(c) No refuse containers or storage containers are allowed on a sidewalk, whether approved with a valid building permit, or pursuant to other provisions of this Chapter.

7.05.060 Exempt

The following storage and refuse containers are exempt from this ordinance:

- (a) Refuse and storage containers at the City Corporation Yard located between Second and First Streets. Container(s) shall be visually screened behind fencing, or walls, or vegetation, or combination thereof.
- (b) Storage containers. Except as provided by Chapter 11-04 and applicable fire codes, storage containers are allowed in any non-residential property in the City but shall be stored in side or rear yards only and shall be visually screened behind fencing, or walls, or vegetation, or combination thereof. In the case a container(s) on non-residential designated property is adjacent to residential property, the container(s) shall be set back at least 5 feet from the side and rear property boundary. If no fence exists between the commercial and residential property, it shall be required that a screening fence shall be installed by the person(s) responsible for the container(s). Fencing shall be installed per Chapter 11-04-070 (Fences, Walls and Hedges) of the City Municipal Code.
- (c) Refuse containers. Except as provided by Chapters 11-04 and 5-4, applicable fire code, or by use permit, refuse containers are allowed in any non-residential property in the City but shall be stored in side or rear yards only and shall be visually screened from view from the public right-of-way behind fencing, or walls, or vegetation, or combination thereof. In the case a container(s) on non-residential

designated property is adjacent to residential property, the container(s) shall be set back at least 5 feet from the side and rear property boundary so as to eliminate or minimize the view of the container as seen from the residential property. If no fence exists between the commercial and residential property, it shall be required that a fence be installed by the person(s) responsible for the container(s). Fencing shall be installed per Chapter 11-04-070 (Fences, Walls and Hedges) of the City Municipal Code.

SECTION 2. Severability. This ordinance and the various parts hereof are hereby declared to be severable. Should any part 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 other part than the part so declared.

SECTION 3. Grace Period. Pre-existing refuse and storage containers that are not consistent with this ordinance or any other applicable Chapter of the San Juan Bautista Municipal Code must be removed or made to conform within four months of the effective date of this ordinance .

SECTION 4. 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 Council on the 16th day of March, 2010, and was adopted at a regular meeting of the San Juan Bautista City Council on the 20th day of April, 2010, by the following vote:

AYES: Laverone, Bilich, Moore, Hill, Edge

NOES: None

ABSENT: None

ABSTAIN: None

Maggie Bilich, Vice Mayor

ATTEST:

Linda G. McIntyre, City Clerk

APPROVED AS TO FORM:

George Thacher, City Attorney