

# **SAN BRUNO MUNICIPAL CODE**

## **REVISION: TITLE 5**

**Marc L. Zafferano, City Attorney**

**April 28, 2020**

# AGENDA

- **Background**
- **Discuss policy issues and provide direction regarding Title 5 (Nuisances)**
- **Next steps**

# BACKGROUND

- **October 9, 2018: City Council direction for comprehensive amendment of Municipal Code**
  - **Primary focus: update for internal consistency and with current law**
  - **Policy discussions for required revisions**
- **October 23, 2018: Initiated City Council introduction of Title 1 (General Provisions) and Title 2 (Administration and Personnel), Chapter 2.04**
- **November 1, 2018: QCP completed initial review of entire Municipal Code**

## **BACKGROUND, CONT.**

- **November 14, 2018: City Council adopts amendments to Title 1 and Title 2, Chapter 2.04**
- **July 9, 2019: adopted revisions to remainder of Title 2 (Administration and Personnel) and all of Title 3 (Revenue and Finance)**
- **March 24, 2020: adopted revisions to Title 4 (Licenses and Regulations)**

# DETAILED REVIEW OF TITLE 5 (NUISANCES)

- **Title 5: Eight Chapters**
  - **5.04: (Nuisances Enumerated)**
  - **5.08: (Enforcement, Nuisance Abatement, and Cost Recovery)**
  - **5.12: (Weeds)**
  - **5.16: (Graffiti as a Public Nuisance)**
  - **5.20: (Unruly Gatherings)**
  - **5.22: (Performance Standards for Deemed Approved Alcoholic Beverage Commercial Sales)**
  - **5.24: (Maintenance of Distressed Vacant Properties)**
  - **5.26: (Registration of Foreclosed and Abandoned Properties)**

# DETAILED REVIEW OF TITLE 5 (NUISANCES), CONT.

- **Proposed amendments to four Chapters**
  - **5.04: (Nuisances Enumerated)**
    - **Discuss consistency with newly amended Zoning Code re parking**
    - **Discuss any other desired amendments re parking**
    - **Discuss any new provisions about other topics not currently covered**

# DETAILED REVIEW OF TITLE 5 (NUISANCES), CONT.

- **Minor proposed amendments to three Chapters**
  - **5.08: (Enforcement, Nuisance Abatement, and Cost Recovery)**
  - **5.16: (Graffiti as a Public Nuisance)**
  - **5.22: (Performance Standards for Deemed Approved Alcoholic Beverage Commercial Sales)**

# DETAILED REVIEW OF TITLE 5 (NUISANCES), CONT.

- **Policy and legal considerations**
  - **Title 5 has proved to be comprehensive and sufficient**
  - **Difficult code enforcement cases usually not due to inadequate ordinances**
  - **Common issues underlying code enforcement**
    - **Public vs. private nuisance**
    - **Transitory violations**
    - **Violations difficult to confirm**
    - **Residents resistant, often regardless of sanctions imposed**
      - **Circumstances outside of their control**
      - **Neighbor disputes**
      - **Expense to rectify**
      - **Economic or other advantage to retaining condition**



# DETAILED REVIEW OF TITLE 5 (NUISANCES), CONT.

- Requested staff input regarding any unaddressed public nuisance conditions
- Parking
  - The challenge: the built environment in some neighborhoods, both on public and private property, is inadequate to accommodate the number and types of operable and inoperable vehicles owned and operated by residents living in those neighborhoods
  - Satisfies all criteria for difficult code enforcement matters listed in prior slide

# DETAILED REVIEW OF TITLE 5 (NUISANCES), CONT.

## ➤ Parking, cont.

- The solutions to date supported by community and adopted by City Council
  - RPPP to limit overcrowding of street
  - Additional periodic enforcement for violations on streets in impacted neighborhoods
  - New zoning regulations to allow creation of additional off-street parking on nonconforming private property
    - Purpose: Zoning code addresses required parking for residential use of property, not whether presence or appearance of vehicles or other personal property (boats, trailers, campers, RVs) is a public nuisance
    - Conversely: Title 5 addresses only conditions that constitute public nuisance, and not required parking of all motor vehicles on private property

# DETAILED REVIEW OF TITLE 5 (NUISANCES), CONT.

- **Amended zoning code allows parking on nonconforming properties:**
  - **Operable motor vehicles:** on garage apron, driveway, adjacent to driveway with conditions, in side yard if screened
    - **Motor vehicle includes trailer on which RV is stored**
  - **Inoperable vehicles:** must not be parked in visible front or side yards
- **Title 5 allows parking:**
  - **Operable vehicles:** one boat, trailer, camper, or RV only in garage or on city-approved driveway
  - **Inoperable vehicles:** prohibited in front or side yards unless screened and otherwise allowed by zoning code
- **Conclusion:** Amended zoning code and current Title 5 are generally consistent

# DETAILED REVIEW OF TITLE 5 (NUISANCES), CONT.

- **Parking (cont.)**
  - **Title 5 possible amendments**
    - **Change number of allowed parked boats, trailers, campers, or RVs from one to a different number**
    - **Prohibit any inoperable vehicle parking even if screened**
      - **Note: enforcement difficult; warrant could be required if covered or screened**
  - **Tarps**
    - **To cover or not to cover**
    - **City cannot uncover vehicles on private property without warrant to determine if operable**
    - **Differing views about what's less attractive: tarps or what's under them**

# DETAILED REVIEW OF TITLE 5 (NUISANCES), CONT.

- **Other unaddressed public nuisance conditions**
  - **Recommended: Prohibit feeding wild animals**
- **Minor wording amendments throughout to conform to state law**

# NEXT STEPS

- **Provide direction**
- **Introduce and adopt amendments at subsequent meetings**
- **Schedule remains on track to complete all eleven Chapters by 2021**