

SAN BRUNO MUNICIPAL CODE

REVISION: TITLE 5

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May 26, 2020

AGENDA

- **Background**
- **Discuss policy issues and Introduce Amendments to 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)**
- **April 28, 2020: provided policy direction regarding Title 5 (Nuisances)**

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)**
 - **Propose consistency with Chapter 7.36 (Abandoned and Inoperable Vehicles)**
 - **Other wording changes for internal consistency**
 - **Prohibit feeding wild animals if causing public nuisance**

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/inoperable vehicles
 - 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.

- **City Council direction: focus on inoperable vehicles**
 - **Chapter 7.36**
 - **May be parked only in enclosed building and not visible from public or private property**
- **Title 5 proposed amendments for consistency:**
 - **Incorporate references to 7.36**
 - **Clarify that DMV certificate of nonoperation isn't sufficient for parking inoperable vehicle if visible; 7.36 will be similarly amended at later date**
 - **Conform list of vehicle types**
 - **Amend allowable time for camper shells from "reasonable" to 72 hours**

DETAILED REVIEW OF TITLE 5 (NUISANCES), CONT.

- **Proposed amendments make Title 5 internally consistent and conform with 7.36 and zoning code**
- **Operational efficiencies proposed for future implementation**
 - **Moving code enforcement to PD**
 - **Implementing program to abate nonoperational vehicles requires substantial effort and resources**

DETAILED REVIEW OF TITLE 5 (NUISANCES), CONT.

- **Parking (cont.)**
 - **No change to number of allowed operable parked boats, trailers, campers, or RVs (one)**
 - **Tarps**
 - **To cover or not to cover? No clear direction on April 28**
 - **Differing views about what's less attractive: tarps or what's under them**
 - **No amendments proposed at this time**

DETAILED REVIEW OF TITLE 5 (NUISANCES), CONT.

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

NEXT STEPS

- **Review proposed amendments**
- **Introduce ordinance**
- **Adoption scheduled for June 9, 2020**
- **Schedule remains on track to complete all eleven Chapters by 2021**