

## ORDINANCE NO. 305

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY AMENDING CHAPTERS 9.06.060 AND 9.06.070 OF THE BRADBURY ZONING CODE RELATING TO ATTRACTIVE NUISANCES AND VEHICLE NUISANCES

THE CITY COUNCIL OF THE CITY OF BRADBURY DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:**           **CHAPTER 9.06.060. - PROPERTY MAINTENANCE STANDARDS OF THE BRADBURY ZONING CODE** are repealed and replaced to read as follows:

#### **9.06.060.010 - Purpose.**

The purpose of this Chapter is to provide minimum standards by which property within the City of Bradbury shall be maintained in order to protect the public health and welfare; safeguard life, health and property, and to preserve the character of the City.

#### **9.06.060.020 - Applicability.**

The property maintenance standards provided in this Chapter are intended to apply to all property located in the various zone districts within the City.

#### **9.06.060.030 - Single-Family Standards.**

##### **A. Public Nuisance.**

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that any of the following conditions are found to exist thereon:

1. **Unsafe Buildings.** Buildings or structures which are structurally unsafe or which are not provided with adequate egress or which constitute a fire hazard; or which are otherwise dangerous to human life; or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment; or buildings or structures which are maintained in violation of any section or provision of the City's zoning, building, mechanical, plumbing or electrical codes;
2. **Unsafe Land.** Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to the public health, safety and welfare or to adjacent properties;
3. **Fire Hazard.** Premises maintained so as to constitute a fire hazard, including, but not limited to, dry vegetation or accumulation of combustible debris;

4. **Abandoned Buildings.** Buildings or structures which are abandoned, partially or completely boarded up, partially or completely destroyed, or with expired City permits and in a state of partial or uncompleted construction;
5. **Unpainted Buildings.** Buildings or structures with deteriorated, cracked, loose, missing or peeling paint or unpainted surfaces;
6. **Hazardous Windows.** Buildings or structures with broken, deteriorated, boarded up or missing windows or doors;
7. **Overgrown vegetation** Overgrown or unmaintained vegetation, landscaping or lawns;
  - a. likely to harbor rats, vermin and other nuisances; or
  - b. causing detriment to neighboring properties or property values.
8. **Hazardous Vegetation.** Dead, decayed, diseased or hazardous trees, weed or other vegetation;
  - a. constituting unsightly appearance, or
  - b. dangerous to public safety and welfare, or
  - c. detrimental to nearby property or property values.
9. **Front Yard Storage.** Trailers, campers, boats, recreational vehicles, construction equipment or other mobile equipment stored or parked for more than seven (7) consecutive days in the front yard areas on any premises;
10. **Vehicle Storage.** Inoperable, wrecked, dismantled or abandoned automobiles, trucks, motorcycles, boats, trailers, recreational vehicles, campers, mobile equipments, buses or similar vehicles or equipment maintained or stored on any premises which are visible from a public or private street or adjacent property;
11. **Vehicle, Front Yard Storage.** Automobiles, trucks, motorcycles, boats, trailers, recreational vehicles, campers, mobile equipment, buses or similar vehicles or equipment parked or stored on unpaved surfaces in the front yard area of any premises;
12. **Attractive Nuisance.** An attractive nuisance which is or may be dangerous to children, including, but not limited to:
  - a. Abandoned or broken equipment or machinery; or
  - b. Unfenced or otherwise unprotected swimming pools, spas, ponds, construction sites or excavations; or
  - c. Refrigerators, iceboxes or deepfreeze lockers having a capacity of one and one-half cubic feet or more which are not being used, unless the door or such portion of the latch, magnetic gasket or locking mechanism as will prevent the latching or lock of the door has been removed; or
  - d. Uncapped or otherwise dangerous wells; or
  - e. Underground or aboveground storage vessels or tanks if the use of the same has ceased or a period in excess of six months or more; or
  - f. Broken or discarded furniture or household furnishings or equipment; or

- g. Garbage or trash containers which are stored contrary to the provisions of this code, except when lawfully placed for collection at the times permitted therefor; or
  - h. Boxes, lumber, junk, trash or other materials and debris maintained outside of a building; or
  - i. Any building, fence, landscaping or structure, or the access thereto, so that the same is subjected to the repeated placement of graffiti thereon;
13. **Discarded Furniture, etc.** Broken, abandoned, unused or discarded furniture, household equipment, appliances, machines, tools, plumbing fixtures, lawn equipment, vehicle or motorcycle parts, bicycles, toys, cabinets, equipment or similar items stored or maintained on any premises for more than seven (7) consecutive days which are visible from a public street, private street or adjacent property;
14. **Clothes lines.** Clothes lines in the front yard areas on any premises;
15. **Garbage Containers.** Garbage, trash, recycling or refuse containers stored in front yards or side yards on any premises and visible from a private or public street except that garbage, trash, recycling or refuse containers may be placed on a private or public street not earlier than 4:00 p.m. on the day immediately prior to the scheduled pick up date and they shall be removed not more than twelve (12) hours after being emptied;
16. **Boxes and Debris.** Boxes, trash, construction materials, concrete or asphalt debris, junk, salvage materials, yard waste, mulch piles or other debris stored or maintained on any premises for more than seven (7) consecutive days which are visible from a public street, private street or adjacent property;
17. **Neglected Premises.** Neglect of premises, *as follows*:
- a. to spite neighbors, or
  - b. to influence zone changes, or
  - c. to cause detrimental effect upon nearby property or property values;
18. **Lack of Maintenance.** Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code 3480;
19. **Unsightly Property.** Property maintained in such condition as to become so defective, unsightly or in such condition of deterioration or disrepair that the same causes depreciable diminution of the property values of surrounding properties or is materially detrimental to proximal properties and improvements;
20. **Premises Out of Harmony.** Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties;
21. **Depreciated Value Affect.** Property maintained (in relation to others) so as to establish a prevalence of depreciated values, impaired investments, and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced

and tax receipts from such particular area are inadequate for the cost of public services rendered therein;

22. **Oversized Vehicles.** The parking of an oversized vehicle, for more than seven (7) consecutive days, in the front yard; provided, however, that this provision shall not apply to the parking of a currently registered oversize vehicle in any area of the front yard that the Planning Commission has determined to be appropriately located and designed for such activity. As used in this provision, the term "Oversize Vehicle" means a vehicle that exceeds either 20 feet in length, 80 inches in width, or 82 inches in height;
23. **Defective Buildings.** Any building or structure in such condition so that the same is defective, unsightly or in such condition of deterioration or disrepair that the same causes, or may reasonably expected to cause, any diminution of the property values of buildings or structures located on adjacent lots or to the city as a whole or its residents, or interferes with the peaceful use, possession or enjoyment of such adjacent lots or improvements on such adjacent lots;
24. **Graffiti.** Graffiti or other words, letters, numbers or drawings which remain on the exterior of any building, structure, retaining wall or fence for a period of more than 48 hours;
25. **Deteriorated Weather Protection.** Buildings or structures with faulty weather protection, including, but not limited to, deteriorated, cracked, missing, broken or loose exterior cement plaster, siding or roofing;
26. **Hazardous Fences and Walls.** Fences or walls which violate City zoning regulations regarding height or location, or which are in a hazardous condition, or which are in disrepair;
27. **Stagnant Water.** Any standing or stagnant body of water, including, but not limited to, swimming pools, spas or ponds which may become a breeding source for mosquitoes;
28. **Signs.** Signs and advertising which violate City zoning regulations as to size, location or quantity.

**SECTION 2.**

**SECTION 9.06.070.010 of the Bradbury Zoning Code** is hereby amended to read as follows:

**9.06.070.010 - Public Nuisance. Motor Vehicles - Purpose.**

The provisions of this Chapter shall govern the abatement and removal of motor vehicles, or parts thereof, which are abandoned, wrecked, dismantled or inoperative. "Motor Vehicle" as used in this Chapter shall include any car, truck, motorcycle, boat, trailer, recreational vehicle, camper, motorized equipment, bus or similar vehicle or equipment;

**SECTION 3.**

**SECTION 9.06.070.020 of the Bradbury Zoning Code** is hereby amended to read as follows:

**9.06.070.020 - Declaration of Nuisance.**

Any motor vehicle which is abandoned, wrecked, dismantled, or inoperative, or any part thereof, located on any private property or public property, in the City is hereby declared to be a public nuisance, and six (6) or more registered or unregistered motor vehicles or combination thereof parked or stored for more than seven (7) consecutive days upon any premises which are visible from a public or private street is hereby declared to be a public nuisance.

**SECTION 4. SEVERABILITY**

If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and to that end the provisions of this ordinance are severable.

**SECTION 5. EFFECTIVE DATE**

The ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

**SECTION 6. CERTIFICATION.**

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

**PASSED, APPROVED, AND ADOPTED**, this 21st day of April, 2009.

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MAYOR – CITY OF BRADBURY

ATTEST:

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Claudia Saldana, City Clerk

APPROVED AS TO FORM:

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Cary Reisman, City Attorney

"I, Claudia Saldana, City Clerk, hereby certify that the foregoing ordinance, being Ordinance No. 305, was introduced at a regular meeting of the City Council of the City of Bradbury, held on the 17<sup>th</sup> day of March, 2009, and was duly passed, approved and adopted at a regular meeting of said Council, held on the 21<sup>st</sup> day of April, 2009, by the following roll call vote:

AYES:

NOES:

ABSENT:

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Claudia Saldana, City Clerk