

ORDINANCE NO. 21 - 2116

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 5702 (MAINTENANCE OF PROPERTY) OF CHAPTER 7 (PROPERTY MAINTENANCE) OF ARTICLE V (SANITATION AND HEALTH) OF THE CARSON MUNICIPAL CODE TO ADD TO LIST OF ENUMERATED PUBLIC NUISANCES THAT ARE SUBJECT TO ABATEMENT PROCEDURES

WHEREAS, Chapter 7 (Property Maintenance) of Article V (Sanitation and Health) of the Carson Municipal Code (“CMC”) was enacted to enable the City of Carson (“City”) to declare that all property maintained in violation of CMC Section 5702 to be a public nuisance subject to abatement by rehabilitation, demolition, removal or repair pursuant to the procedures set forth in said Chapter 7; and

WHEREAS, the City previously adopted the City’s Health Code as set out in CMC Section 5100 but violations of the Health Code were never specifically called out as a public nuisance under Section 5702; and

WHEREAS, Section 38771 of the Government Code authorizes the City Council to declare, by adoption of an ordinance, what constitutes a public nuisance; and

WHEREAS, now, based on the foregoing and in order to avail the City of the ability to utilize the abatement procedures set out in Chapter 7, Article V of the CMC for an expanded list of property conditions, including, but not limited to, where properties contain an infestation of insects, vermin, or rodents, the City Council now sees fit to amend Section 5702 of the Carson Municipal Code to expressly provide that (i) any violation of the Health Code and (ii) any condition of a building that qualifies the building as a “substandard building” as defined in Health and Safety Code Section 17920.3, will constitute a public nuisance subject to applicable abatement procedures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. Section 5702 (Maintenance of Property) of Chapter 7 (Property Maintenance) of Article V (Sanitation and Health) of the Carson Municipal Code is hereby amended to read in its entirety as follows (deletions shown in ~~strike through~~, additions shown in **bold, italics, underlined**):

“5702 Maintenance of Property.

It is unlawful for any person owning, leasing, occupying or having charge or possession of

any premises in the City to maintain such premises in such a manner that any of the following conditions are found to exist thereon:

- (a) Buildings which are abandoned, partially destroyed or permitted to remain unreasonably in a state of partial construction for an extended period of time (see also CMC 4124);
- (b) Doorways, windows, or other openings leading into vacant structures which have not been secured by such means as will protect against entry;
- (c) Paint deterioration upon any buildings causing dry rot, warping or a lack of weather protection (see also CMC 4124);
- (d) Any area, whether in a natural state or as a result of grading operations, excavation or fill, which causes erosion, subsidence, surface water damage problems or dust to the magnitude to be potentially injurious to public health and safety or welfare of adjacent properties;
- (e) Garages converted without building permits which are being utilized as living quarters;
- (f) Vacant lots which are not fenced by such means as will protect against entry;
- (g) Vacant lots which are not posted with at least two (2) signs designating “No Trespassing” and “No Posting of Signs”;
- (h) Wrecked, disabled or abandoned motor vehicles, motors, equipment, automotive parts or accessories which are visible from the public right-of-way (see also CMC 4513);
- (i) Vehicles, trailers, recreational vehicles or boats kept or stored in yard areas, other than on legally paved driveways, which are visible from the public right-of-way;
- (j) Rubbish, cans, bottles, or other waste matter of any type upon any alley, sidewalk or vacant lot within the City (see also CMC 4124);
- (k) Attractive nuisances dangerous to children, including but not limited to: abandoned and/or broken equipment and appliances; unprotected and/or hazardous pools, ponds and excavations; and neglected machinery;
- (l) Broken or discarded furniture, household equipment or appliances on the premises for unreasonable periods and visible from the public right-of-way (see also CMC 4124);
- (m) Boxes, lumber, trash, rubbish, or other debris either inside or outside a building and visible from the public right-of-way for extended periods (see also CMC 4124);
- (n) Accumulation of rubbish, litter or debris in vestibules, doorways, or on the adjoining sidewalk(s) of commercial or industrial buildings (see also CMC 4124);

- (o) Trash, garbage or recycling containers stored in front or side yards and visible from the public right-of-way, except when placed in areas of collection at the time permitted (see also CMC 4124);
- (p) Lack of adequate landscaping or ground cover sufficient to prevent blowing dust and erosion;
- (q) Any device, decoration, design, graffiti, fence, structure, clothesline, or vegetation which is unsightly by reason of its condition or its inappropriate location (see also CMC 4124);
- (r) Outside storage of building materials, machinery, or other material or equipment used in a business on any lot in any residential zone, except during associated or related construction on the lot (see also CMC 4124);
- (s) Signs and/or sign structures, other than lawfully erected outdoor advertising signs, maintained on vacant premises, which advertise, promote or refer to a business, profession, product or service which is not conducted or offered at the premises (see also CMC 9167.3);
- (t) Maintenance of any structure in a state of substantial deterioration, such as peeling paint on a facade, broken windows, roofs in disrepair, damaged porches, broken steps or other such deterioration or disrepair not otherwise constituting a violation, and which is visible from the public right-of-way (see also CMC 4124);
- (u) Substantial lack of maintenance of grounds on which structures exist, where the grounds are visible from a public right-of-way, where such condition would have a tendency to depreciate the aesthetic and property values of surrounding properties (see also CMC 4124).
- (v) Maintenance of Property.

A. Properties which are abandoned or vacant shall be, in comparison to the neighborhood standard, maintained by the beneficiary and kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by Federal, State or local law, discarded personal items including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned. The beneficiary shall maintain such property free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure. In general, the maintenance of abandoned or vacant property by the beneficiary shall comply with the standards set forth in Section 7.040 and HUD Mortgagee Letter 2007-03, dated January 25, 2007, or such other standard as may hereafter be ordered in writing addressed to the beneficiary by the Chief Building Official. Adherence to the maintenance and monitoring standard set forth in this Section does not relieve the beneficiary/trustee or property owner of any obligations set forth in any covenants, conditions and restrictions and/or homeowners' association rules and regulations which may apply to the property.

B. Each property which is acquired by a beneficiary following the recordation of a notice of default, whether acquired by such beneficiary by foreclosure, deed in lieu of foreclosure or judgment of foreclosure, shall be maintained by the beneficiary so as not to constitute a public nuisance under this Chapter and other applicable laws, for so long a period of time as the beneficiary may own such

property.

(w) Any condition that results in a violation of the City's Health Code, as detailed in Section 5100 of the City's Municipal Code.

(x) Any condition of a building that qualifies the building as a "substandard building" as defined in Health and Safety Code Section 17920.3."

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

[SIGNATURES OF FOLLOWING PAGE]

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this 3rd day of August, 2021.

ATTEST:

Lula Davis-Holmes, Mayor

John W. Carroll, Sr., Chief Deputy City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney