

ORDINANCE NO. _____

PROPOSED ORDINANCE AMENDING CHAPTER 7, ARTICLE XI,
SECTION 7-401 OF THE BELMONT CITY CODE

The City Council of the City of Belmont does ordain as follows:

SECTION 1: Chapter 7, Article XI, Section 7-401 of the Belmont City Code is hereby amended to read as follows:

Section 7-401. Classification of Nuisances.

The following acts and conditions, when performed or existing upon any lot, piece or parcel of land within the City of Belmont, are hereby defined as and declared to be public nuisances because they are deemed to be injurious or potentially injurious to the public health, safety and welfare and they have a tendency to degrade the appearance and property values of surrounding property or cause damage to public rights-of-way:

1. Property where:
 - a. Erosion, subsidence, or surface water drainage problems exist.
 - b. Overgrown vegetation; dead, decayed, diseased, or hazardous trees, firewood; weeds and other vegetation is likely to harbor rats, vermin or nuisances or may be a fire hazard.
 - c. Garbage or trash cans or containers and recycle containers remain in front or side yards in areas visible from the public right-of-way at any time other than 12:00 p.m. on the day before scheduled trash pickup to 12:00 p.m. the day after trash pickup (i.e., 48 hours total).
 - d. An individual or entity is conducting a business and the business is not

entirely conducted within the structure in violation of the Zoning Ordinance and is not a legal non-conforming use pursuant to other provisions of this Code or the Zoning Code.

e. For a period longer than seven (7) days any of the following is maintained:

(1) Abandoned, wrecked, dismantled aircrafts, boats, boat trailers, inoperative or unregistered for operation motor vehicles, recreational vehicles, recreational vehicle equipment, trailers, campers, camper shells, vans, minivans, pickup trucks or similar vehicles.

(2) Debris, rubbish, and trash visible from public rights-of-way.

(3) Broken, inoperative or discarded household furnishings, appliances, boxes and cartons, lawn maintenance equipment, play equipment, toys and similar materials.

(4) Discarded building materials.

(5) Discarded, broken or inoperative machines and tools.

(6) Materials or items of any nature on roof tops.

(7) Garbage or trash cans or containers which cause offensive odors to neighbors.

f. Attractive nuisances exist (those objects which, by their nature, may attract children or other curious individuals) including, but not limited to unprotected and/or hazardous pools, ponds, ice boxes, refrigerators, excavations, or personal property not expressly incorporated into the landscaping or which is likely to cause injury to children or other curious individuals.

g. Clothes lines are located in front yard areas.

h. Any vehicles including recreational vehicles, recreational vehicle equipment, boats, boat trailers, campers, camper shells, vans, minivans, pickup trucks or similar vehicles are parked on areas which are not, by permit, expressly paved and/or otherwise surfaced to allow parking.

i. Aircraft, recreational vehicles, recreational vehicle equipment, boats, boat trailers, campers or camper shells are parked:

(1) Within the front yard setback extending onto or over any public sidewalk, curb or edge of pavement or so as to create a site distance problem.

(2) Exceptions: Vans, minivans, three-quarter, half ton, small pickup truck/camper combinations or other similarly sized vehicles may be parked in the driveway provided:

(a) The vehicle is currently registered.

(b) The vehicle is kept in good repair and operating order.

(c) No portion of the vehicle or trailer extends onto or over any public sidewalk, curb or edge of pavement or so as to create a site distance problem.

j. Building materials are stored for a period of longer than sixty (60) days.

2. Structures or buildings, both permanent and temporary, or other lot improvements, which have any one of the following characteristics:

a. Are structurally unsafe, either entirely or in part.

b. Are a fire hazard.

c. Have faulty weather protection, including but not limited to crumbling, cracked, missing, broken or loose exterior plaster or other siding, roofs, foundations or floors

(including lack of paint or other protective finish), broken or missing windows or doors.

d. Are unfinished and for which the permit for construction has expired.

e. Are unoccupied and have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements.

f. Are temporary storage containers, cargo containers, shipping containers maintained on property in excess of fourteen (14) days.

g. Are fences or walls which violate zoning regulations regarding height, or which are in a hazardous condition, or which are in disrepair, or which hinder free access to public right-of-way.

h. Are signs which advertise uses no longer conducted or products or services no longer sold on the premises, except where such signs are legally permitted.

SECTION 2: 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 of the City of Belmont 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 section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in

accordance with the requirements of Section 36933 of the Government Code of the State of California.

Introduced this _____ day of _____, 2004.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2004.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

Mayor of the City of Belmont

ATTEST:

Clerk of the City of Belmont