

ORDINANCE NO. 004-19

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AMENDING SECTION 4-8.130 OF ARTICLE II OF CHAPTER 8, OF TITLE 4,
AMENDING SECTION 6-3.11 OF CHAPTER 3 OF TITLE 6, AND AMENDING
SECTION 6-4.03 OF CHAPTER 4 OF TITLE 6 OF THE YUBA CITY
MUNICIPAL CODE TO ALLOW FOR PLACEMENT OF GARDEN REFUSE
AND DEFINING VIOLATION AS A NUISANCE**

WHEREAS, the City Council of Yuba City ("City") is authorized by the California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City Council has adopted the Yuba City Municipal Code, which it periodically updates to protect the public health, safety and welfare; and

WHEREAS, City Council desires to update and amend the process for placement of garden refuse, and to define violation of said standards as a nuisance, within the City in a fair manner that best addresses the public health, safety and welfare.

NOW THEREFORE, the City Council of the City of Yuba City does ordain as follows:

Section 1. The above recitals are all true and correct and are hereby adopted as findings.

Section 2. The proposed ordinance was assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines ("CEQA Guidelines"), and the environmental regulations of the City. The City Council finds and determines that the proposed ordinance is not a "project" for the purposes of CEQA and consistent with CEQA Guidelines Section 15378, as it promotes environmental conditions by providing a more environmentally sound process to ensure removal of garden refuse, etc., provides for administrative enforcement of the same, and will not result in direct or indirect substantial, adverse physical changes in the environment as compared to the current baseline. Additionally, the City Council finds and determines for the same reasons that even if the proposed ordinance were a project for the purposes of CEQA, there is no possibility that this project may have a significant adverse effect on the environment pursuant to CEQA Guidelines, Section 15061(b)(3). Therefore, the proposed ordinance is not subject to CEQA.

Section 3. Section 4-8.130 of Chapter 8 of Title 4 (Public Safety) of the Yuba City Municipal Code hereby is amended to read in its entirety as follows:

Sec. 4-8.130. - Public nuisances specified.

It is declared a public nuisance for any person owning, leasing, subleasing, occupying, or having charge or possession of any property in this City to maintain such property in such a manner that any one or more of the following conditions or activities are found to exist.

- (a) The keeping, storage, depositing, or accumulation on the property of any personal property that is within the view of persons on adjacent or nearby real

property or the public right-of-way when such personal property constitutes visual blight, reduces the aesthetic appearance of the neighborhood, is offensive to the senses, or is detrimental to nearby property or property values. For purposes of this section, "personal property" includes, but is not limited to, junk as defined in Section 4-8.020 of this chapter; abandoned, wrecked or dismantled automobiles, and recreational vehicles; abandoned, wrecked, dismantled, or not seaworthy boats or vessels; automotive parts and equipment; appliances; furniture; containers; packing materials; scrap metal; wood; building materials; rubbish and debris. Wood and building materials being used or to be used for a project of repair or renovation for which an active building permit is in existence may be stored for such period of time as is necessary to expeditiously complete the project. Upon finalization, expiration or cancellation of the permit, the wood and building materials of any nature for the project must be immediately removed.

- (b) The keeping, storage, depositing or accumulation on the property of any dead grass, weeds, brush, combustible materials, or rubbish of any kind in such a manner as to constitute a fire hazard, or any manure, dead animals, decayed vegetables, offal, or other similar matter that is in the view of persons on adjacent or nearby real property or the public right-of-way when such items constitutes visual blight, a danger to the health, safety or welfare of the public, reduces the aesthetic appearance of the neighborhood, or is offensive to the senses or is detrimental to nearby property or property values.
- (c) The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials that constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values.
- (d) The operation of a junk yard or automobile dismantling yard, except in an industrial zone pursuant to a use permit.
- (e) Any dangerous, unsightly or blighted condition that is detrimental to the health, safety or welfare of the public.
- (f) Any condition in violation of Chapter 12 of Article 4 (Animals) of the Yuba City Municipal Code.
- (g) Any condition in violation of Title 4 (Health and Safety) of the Yuba City Municipal Code or in violation of the California Fire Code.
- (h) Any condition in violation of Title 7 (Building Regulations) of the Yuba City Municipal Code, or in violation of the California Building Code, the Uniform Housing Code, the California Electrical Code, the California Plumbing Code or the California Mechanical Code.
- (i) Any condition in violation of Title 8 (Zoning) of the Yuba City Municipal Code.
- (j) Any condition specified in the Yuba City Municipal Code as a public nuisance.
- (k) Any condition recognized in law or in equity as constituting a public nuisance.

- (l) The maintenance of the exterior of any vacant or unoccupied building or the interior of any such building that is readily visible from any public street or adjacent parcel of property in a state of unsightliness so as to constitute a blighted condition detrimental to the property values in the neighborhood or otherwise detrimental to the public welfare.
- (m) The draining or allowing or suffering to be drained any sewage into or onto the ground of any property, whether or not occupied or improved, except that sewage may be properly disposed of in an adequate private sewage disposal system as otherwise permitted by law.
- (n) Any unimproved real property, or improved but unoccupied real property, that has become a dumping ground for litter, garbage, junk, debris, discarded vehicles, vehicle parts, and any real property which has been subject of two or more written requests by the City to remove litter, garbage, junk, debris, discarded vehicles, vehicle parts from the property within a 12-month time period or which has been subject to abatement action on one or more occasions by the City. Once proceedings have been commenced pursuant to this chapter to declare property a public nuisance under this subsection, no such property shall be deemed to be in compliance with this chapter solely because such property thereafter becomes occupied.
- (o) Depositing in the public right-of-way any garden refuse, tree trimmings, shrub trimmings, hedge cuttings, leaves, grass clippings, and similar materials in accordance with Municipal Code Section 6-4.03 – Placement of garden refuse.

Section 4. Section 6-3.11 (Cuttings) of Chapter 3 of Title 6 of the Yuba City Municipal Code is hereby amended to read in its entirety as follows:

Tree limbs, branches, hedge cuttings, leaves and similar materials may also be disposed of by placing them in refuse containers in such a manner that the lid can be secured and contents may be readily emptied. Larger branches from tree and shrub trimmings may also be placed on the ground at the place of collection providing they are neatly stacked and securely tied into bundles three ft. or less in length and not more than 50 pounds in weight. In addition, said materials may be bagged and placed beside the garden refuse container.

Section 5. Section 6-4.03 (Placement of garden refuse) of Chapter 4 of Title 6 of the Yuba City Municipal Code hereby is amended to read in its entirety as follows:

Sec. 6-4.03. - Placement of garden refuse.

No person shall deposit in the public right-of-way any garden refuse, including tree trimmings, shrub trimmings, grass clippings, and similar materials. Garden refuse shall be disposed of in accordance with Municipal Code Section 6-3.11 – Cuttings.

Section 6. 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 7. This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

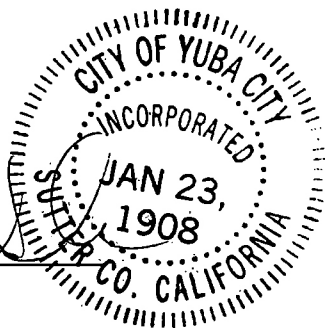
Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 15th day of October, 2019, and passed and adopted at a regular meeting held on the 5th day of November, 2019.

- AYES: Councilmembers Cardoza, Espindola, Shaw and Mayor Harris
- NOES: None
- ABSENT: Councilmember Boomgaarden
- ABSTAIN: None




Shon Harris, Mayor

ATTEST:


Patricia Buckland, City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY


SHANNON CHAFFIN, City Attorney
Aleshire & Wynder, LLC