

# Ordinance Fact Sheet

TO: CITY COUNCIL DATE: March 31, 2003

FROM: CITY ATTORNEY

SUBJECT: ORDINANCE AMENDING VARIOUS SECTIONS OF THE  
PROPERTY MAINTENANCE ORDINANCE IN CHAPTER 14.50

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS SECTIONS OF CHAPTER 14.50 OF THE PASADENA MUNICIPAL CODE CONCERNING PROHIBITED ACTIVITIES AND CONDITIONS IN THE PROPERTY MAINTENANCE ORDINANCE AND THE NOTIFICATION PROCESS FOR CODE ENFORCEMENT COMMISSION HEARINGS

PURPOSE OF ORDINANCE:

The purpose of this ordinance is to update and clarify certain provisions in the City's Property Maintenance Ordinance, reduce the compliance time for some violations, add new definitions, modify the notice requirements for Code Enforcement Commission hearings, and delete the reference to City of Pasadena Resolution No. 6502 (concerning the parking of oversized vehicles in residential driveways) and instead incorporate the provisions of that Resolution directly into the ordinance.

REASON WHY LEGISLATION IS NEEDED:

The City Council directed the City Attorney's Office to prepare an ordinance modifying the City's Property Maintenance Ordinance on January 27, 2003. Section 410 of the Pasadena City Charter requires that the municipal code be amended by ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

This ordinance will impact staff in the Neighborhood Revitalization Division, as well as property owners and residents in the City of Pasadena.

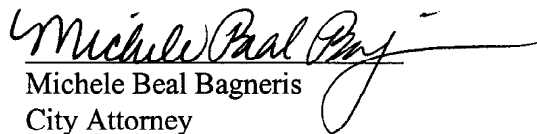
POLICY CHANGE:

This amendment does not represent a policy change, but is rather an effort to update and further clarify the various prohibited activities and conditions delineated in the City of Pasadena Property Maintenance Ordinance.

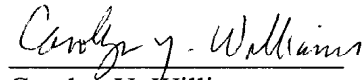
FISCAL IMPLICATIONS:

Staff anticipates that there will be no fiscal impact related to approval of this ordinance.

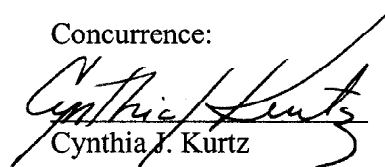
Respectfully submitted,

  
Michele Beal Bagneris  
City Attorney

Prepared by:

  
Carolyn Y. Williams  
Asst. City Attorney

Concurrence:

  
Cynthia J. Kurtz  
City Manager

Introduced by Councilmember \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING  
VARIOUS SECTIONS OF CHAPTER 14.50 OF THE PASADENA  
MUNICIPAL CODE CONCERNING PROHIBITED ACTIVITIES  
AND CONDITIONS IN THE PROPERTY MAINTENANCE  
ORDINANCE AND THE NOTIFICATION PROCESS FOR CODE  
ENFORCEMENT COMMISSION HEARINGS**

The People of the City of Pasadena ordain as follows:

**SECTION 1.** This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the City Charter. The approved summary of this ordinance reads as follows:

**“SUMMARY**

The subject ordinance, Ordinance No. \_\_\_\_\_, amends various sections in the Property Maintenance Ordinance in the Pasadena Municipal Code. Specifically, this ordinance modifies the City’s Property Maintenance Ordinance by adding new definitions, changing the notice requirements for Code Enforcement Commission hearings, reducing compliance time for some types of violations, prohibiting vehicle repair in customer parking lots of auto parts stores, requiring that all major vehicle repair in residential areas occur in an enclosed area, prohibiting storage of trash cans in the corner or side yard of a residence, prohibiting outdoor storage of broken or discarded household furniture for more than 24 hours, and modifying the requirement that some

types of violations be visible from a public street. Additionally, the ordinance prohibits property owners from leaving residential or commercial buildings in a state of incomplete construction, incomplete deconstruction, damaged by vandalism, fire, earthquake or other acts for more than 6 months, excluding the time work is in progress pursuant to an authorized building or other construction permit.

Ordinance No. \_\_\_\_\_ shall take effect thirty days after its publication.”

**SECTION 2.** The Pasadena Municipal Code is amended to add new Subsections M through P to Section 14.50.020 to read:

**“M. ‘Unconcealed trash cans’ means trash cans stored in the front, corner or side yard, visible from the street, alley or sidewalk.**

**N. ‘Overgrown vegetation’ means plants, trees or grass that encroaches or protrudes over the public right-of-way, or has become unsightly due to lack of maintenance. In the case of grass lawns, blades of grass are overgrown when they exceed 10 inches in height.**

**O. ‘Inoperative vehicle’ means a motor vehicle such as a car, van, truck, motorcycle and other such vehicle which is in need of repair or registration with the Department of Motor Vehicles to be operational and legally driven on public streets.**

**P. ‘Major vehicle repair’ means the repair or replacement of an engine, transmission, power train, suspension, steering, or other major automotive body components such as fenders or other major body parts in a car, van, truck,**

**motorcycle and other such vehicle.”**

**SECTION 3.** Section 14.50.030 is amended to read:

**“ 14.50.030 Responsibility for enforcement.**

The **neighborhood revitalization manager** shall have primary responsibility for the administration and enforcement of this chapter.”

**SECTION 4.** Subsections 1, 3, 5, 10, 12, 13, 16, 17, 23, 25, 29 and 34 of Section 14.50.040 are amended to read:

**“14.50.040 Prohibited activities or conditions:**

It is declared unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any property in this city to maintain such property, regardless of whether such property contains a conforming or legal nonconforming use or structure, in a manner that any of the following conditions or activities are found to exist thereon:

1. The accumulation of dirt, litter, junk, salvage materials, lumber or other debris **visible from a street, sidewalk, alley or neighboring property, or verified through other lawful means.**

3. **Unconcealed** trash can stored in the front, **corner or side yard** visible from a street, sidewalk, or alley. **Trash can stored in the front, corner or side yard shall be concealed by the use of the following materials singly or in combination, and shall be architecturally consistent with the materials used in the surrounding**

**buildings:**

**a. Masonry, such as exterior wall brick or finished precast concrete block, such as striated or fluted block. Unfinished cinder block shall not be permitted in the front yard. Masonry walls and fences constructed in the front or side yards, or visible rear yards in a Landmark District, the Central District, or on property designated as a landmark or historic monument, or listed in the National Register of Historic Places, or eligible for designation or listing, shall be subject to review under Chapter 17.52 or Chapter 17.92 of the Zoning Code.**

**b. Wood, provided that the wood is cedar, redwood or pine and at least five-eighths of an inch thick. If cedar, redwood, or pine is used to conceal a trash can, it shall be weather-protected from possible rot or decay by the application of a preservative on a regular basis by the party responsible for the maintenance of the subject premises;**

**c. Evergreen shrubbery consisting of permanent, living material which is continuously maintained in a sound, healthy and vigorous condition, free of plant diseases, insect pests, weeds, refuse and debris. Shrubby shall be maintained so as to create a continuous barrier and must effectively conceal the trash can;**

**d. Earthen berm or recession with an embankment so as to achieve a continuous barrier.**

**5. Broken or discarded furniture, household or business equipment,**

shopping carts or similar items, **placed outdoors for more than 24 hours.**

10. Trees or other vegetation **obstructing visibility** at an intersection, **or which restrict** or impede access to public use of adjacent sidewalks or streets, obstruct official traffic-control devices, or prevent access by city street sweepers **cleaning streets.** **Sidewalk access is impeded when encroaching shrubbery, ground cover, tree branches and other such vegetation cause less than a minimum clear area of 5 feet in width, and 7 feet 6 inches in height to be available for sidewalk traffic.**

12. Graffiti or other words, letters or drawings which remain on the exterior of any building or fence for a period of **48 hours** and are visible **from a street, sidewalk or alley.**

13. Residential or commercial buildings left in a state of incomplete construction, **partial demolition, damaged by vandalism, fire, earthquake or other acts** for a period of 6 months (**excluding such time when work is in progress pursuant to a valid building or other construction permit**).

16. Failure to secure all doorways, windows or other openings into a vacant structure, **or provide fencing for the entire parcel containing the vacant structure, to prevent persons from gaining unauthorized access.**

17. Dirt, sand, gravel, concrete, scrap metal, wood, building materials or other similar materials kept, stored, deposited or accumulated on property for a period of **30 days** (**excluding such time when work is in progress pursuant to a valid**

building or other construction permit).

**23. Failure to park or store in a garage inoperative vehicles, or vehicles placed on blocks, or otherwise immobilized which are in a residential zone.**

25. Repair and/or dismantling of any vehicle or boat in a residential zone where such activity can be seen from the public street or sidewalk, except where such repair and/or dismantling is completed and any evidence of repair, including tools, equipment, motor oils and other fluids, rags, spills, parts, and debris is removed within 3 days after the repair or dismantling was begun. **All major vehicle repair must be conducted within a garage. No vehicle repair may be conducted in a customer parking lot serving an auto part or other store.**

29. **Oversized vehicles** (including but not limited to motor homes, recreational vehicles, trailers, camper shells, slide-in campers, boats, or parts thereof) parked or stored other than in covered parking or on a paved area at the rear of the property. **Such prohibition** shall not apply if the rear yard is inaccessible to the vehicle, in which case parking may be permitted on a paved driveway subject to **the following restrictions:**

**a. The vehicle shall be parked at least 5 feet beyond the front yard property line if there is a sidewalk between the property and the street. If there is no sidewalk between the property and the street curb, the vehicle must be parked at least 5 feet from the paved edge of the street.**



**b. If the oversized vehicle owner's driveway adjoins a driveway of neighboring property, the location of the oversized vehicle in the driveway shall not create a safety hazard or obstruct the view within 15 feet of the sidewalk or edge of the roadway of that neighbor when entering or leaving his/her driveway.**

**c. An oversized vehicle parked in the driveway shall not prevent the parking spaces in the garage from being readily accessible. 'Readily accessible' means that the oversized vehicle does not have to be moved in order for a second vehicle to enter or exit the garage or carport.**

**d. Parking in the front yard shall be only upon a driveway leading to covered parking.**

**e. An oversized vehicle parked in the driveway shall be fully operational, completely assembled, supported only by inflated tires, in good repair, neat and clean. Wrecked, dismantled, unregistered or inoperative vehicles shall not be parked in the driveway or in the rear yard, subject to other sanctions as set forth in this code.**

**f. An oversized vehicle parked in the driveway shall be moved out of the driveway periodically (i.e., at least once every 30 days) to permit the surface underneath to be cleaned.**

**g. No vehicle shall be parked on the grass, dirt or other landscaped areas surrounding a residence.**

**h. Vehicle shall be owned or leased by the residents of the property and licensed with a current registration.**

**i. An oversized vehicle shall not be used for storage, living or sleeping while parked in the driveway and shall not be connected to water or sewer lines for more than 72 hours.**

**j. An oversized vehicle may be parked in the driveway for up to 72 hours for the purpose of loading or unloading supplies, or preparing the vehicle for a trip.**

**34. 'Repeated nuisance activities' defined as activities occurring on at least two or more occasions within a twelve (12) month period, and including but not limited to disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sales of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, loud noises particularly in late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests related to such activities."**

**SECTION 5.** Subsection C of Section 14.50.060 is amended to read:

**"C. Notice of Administrative Hearing**

**1. For repeated nuisance activities outlined in Section 14.50.040 (34), notice of administrative hearing shall be served by mail and posted 14 days prior to**

**the time fixed for the hearing as follows:**

**a. By certified mail, to the property owner and the holder of any mortgage, trust deed, or similar lien or encumbrance of record, and to all property owners within 300 feet of the subject property, as shown on the latest equalized property tax assessment roll;**

**b. By regular mail to all occupants of property within 300 feet of the subject property by mailing such notice to “occupant;” and,**

**c. By posting along public streets within 300 feet of the subject property.**

**2. For all other violations of Section 14.50.040, notice of administrative hearing shall be sent by regular mail ten (10) calendar dates prior to the time set for the hearing as follows:**

**a. To the property owner of the two adjacent parcels to the right and the two adjacent parcels to the left of the subject property;**

**b. To the property owner of the parcel directly in front of the subject property, as well as to the adjoining property owners to the right and left side of that parcel; and,**

**c. To the property owner of the parcel immediately behind the subject property.”**

**SECTION 6.** The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by number, title and summary, and the City Clerk's certification.

**SECTION 7.** This ordinance shall take effect thirty days after its publication by title and summary.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Bill Bogaard  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting of \_\_\_\_\_, 2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Published:

\_\_\_\_\_  
Jane Rodriguez, CMC  
City Clerk

APPROVED AS TO FORM:

Carolyn Y. Williams  
Carolyn Y. Williams  
Assistant City Attorney