ORDINANCE NO. 2963-11


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

SECTION 1. SECTION 9.26.030 AMENDED. Section 9.26.030 of Chapter 9.26 (Abatement of Nuisances) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code is hereby amended to read as follows:


Each of the following conditions constitutes a nuisance, and whenever an enforcement officer determines that any of such conditions exist upon any premises, he or she may require or provide for the abatement thereof pursuant to this chapter and make the costs of abatement a lien upon the property.

(a) – (w) [Text unchanged]

(x) Any building or structure that is abandoned, partially destroyed, or left in an unreasonable state of partial construction with no active building permits.

(y) Vacant buildings, structures, or properties that impose a threat to the health, safety, or general welfare of the community; are poorly maintained; are dilapidated; are unsecured; attract illegal activity, trespassers or malicious mischief; or that constitute an attractive nuisance, fire hazard or other dangerous condition.

(z) Boarded-up structures or buildings not having exterior grade plywood, or similar high quality materials, painted to match the existing and predominant color of the structure and installed to fit the exact doorway or window openings, so as to diminish the effects on surrounding properties.

(aa) Any condition of blight, nuisance condition, or use of property so out of harmony or conformity with the general standards or maintenance of nearby properties as to cause substantial diminution of the enjoyment, use, or property values of nearby properties, as determined by the enforcing officer.

(ab) Any other condition on or use of property which is in fact a menace to the public peace, health, or safety.

SECTION 2. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Sections 15061(b)(3) and 15307, that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment and is a regulatory action as authorized by state law.

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

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

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _______, 2011, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _______, 2011, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

____________________________________  _________________________________
City Clerk                                Mayor
Date of Attestation: ____________________

SEAL

APPROVED AS TO FORM AND LEGALITY:

____________________________________
David E. Kahn, City Attorney