

**CITY OF SAN MATEO
ORDINANCE NO. 2015-14**

**AMENDING TITLE 7 OF SAN MATEO MUNICIPAL CODE TO ADD CHAPTER 7.48,
VACANT LOT MAINTENANCE**

WHEREAS, under Article XI, Section 7 of the California Constitution, the City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, unmaintained vacant lots constitute a form of visual blight and are especially susceptible to nuisance conditions such as accumulations of trash and debris, vegetation overgrowth, and graffiti; and

WHEREAS, as an exercise of its police power, the Council of the City of San Mateo desires to enact an ordinance requiring the owners of vacant lots to maintain or improve these properties so as to enhance their aesthetic appearance;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. The San Mateo Municipal Code is amended to add a new Chapter 7.48, entitled "Vacant Lot Maintenance," to read:

Chapter 7.48

Vacant Lot Maintenance

- 7.48.010 Intent and Purpose.**
- 7.48.020 Definitions.**
- 7.48.030 Maintenance Required.**
- 7.48.040 Public Nuisance Declared; Violations; Enforcement.**
- 7.48.050 No Mandatory Duty Created.**
- 7.48.060 Severability.**
- 7.48.070 Implementation.**

7.48.010 INTENT AND PURPOSE. The intent and purpose of this Chapter is to alleviate visual blight and nuisance conditions associated with vacant lots throughout the city by providing standards for the maintenance and appearance of vacant lots.

7.48.020 DEFINITIONS. As used in this Chapter, "vacant lot" means any property, with the exception of those properties located in R1 or R2 zoning districts, that is undeveloped; or property that is developed with a building or structure and is abandoned, vacant, or unoccupied by the property owner, tenant, or subtenant for more than 180 consecutive days.

7.48.030 MAINTENANCE REQUIRED.

- (a) All vacant lots shall be improved and maintained at all times with landscaping and fencing; or in accordance with an approved maintenance plan; or by a third party through an agreement with the property owner, as follows:
 - (1) Landscaping and fencing
 - (A) A minimum five-foot wide landscaped buffer area must be maintained along the perimeter of a vacant lot, between all sidewalks, streets, alleys, or other public rights-of-way and the fence required by subsection (a)(1)(B). Buffer areas must be landscaped with native plants, low-water use plants, or no-water use plants, as defined in Chapter 23.72.
 - (i) If necessary for stormwater or runoff control, the City may require that the entire site be planted and maintained with a drought-tolerant ground cover that will fully cover all

- exposed soil within six months of planting, or covered to a minimum depth of two inches with crushed rock.
- (ii) The vacant lot must be improved with an operable automatic irrigation system for the landscaping which must be installed and maintained in good condition by the property owner at all times.
- (B) A fence must be installed behind the landscaped buffer area.
- (i) Fences shall have a gate to allow for maintenance and emergency access.
 - (ii) Fences materials and colors shall be compatible with the streetscape and surrounding environment. Chain link and barbed wire fences are prohibited.
 - (iii) Fence height shall not exceed the applicable limits set forth in Chapter 27.84.
- (2) Maintenance plan. The maintenance plan shall be subject to the approval of the Director of Community Development, or designee, and shall contain the following information:
- (A) The street address and APN(s) of the vacant lot
 - (B) The name, address, and telephone number of the property owner
 - (C) The name, address, and telephone number of any local agent or representative of the property owner who shall be authorized and responsible for undertaking any activities required by the maintenance plan
 - (D) The effective date and term for the maintenance plan
 - (E) A time schedule and description of any aesthetic enhancements, such as landscaping, lighting, or other features to be installed upon the property
 - (F) A time schedule and description of ongoing maintenance activities to be performed on the vacant lot
- (3) An agreement between the property owner and a third party, such as a community group or non-profit entity, wherein the property owner permits the third party temporary use of the vacant lot for community purposes. Any proposed use under this paragraph is subject to the approval of the Director of Community Development. The agreement between the property owner and third party is subject to the review and approval of the City Attorney.
- (b) General requirements. Vacant lots must be maintained free of litter, weeds, graffiti, debris, storage units, and the stockpiling of any material at all times. The property owner, or designee, must inspect the property at reasonable intervals and take other steps to reasonably ensure that no litter, weeds, graffiti, debris, storage units, or materials are stockpiled, collect, or are maintained on the lot. Any dead or dying vegetation, as well as any broken, malfunctioning irrigation components on the lot must be replaced by the property owner, or designee, within seventy-two hours of discovery or notification by the city.

7.48.040 PUBLIC NUISANCE DECLARED; VIOLATIONS; ENFORCEMENT.

- (a) Failure to maintain any vacant lot as required by this Chapter constitutes a public nuisance.
- (b) Each day that a violation continues shall constitute a separate offense and shall be punishable as such.
- (c) Enforcement. Any violation of this Chapter may be enforced by any method provided by this Code.

7.48.050 NO MANDATORY DUTY CREATED. No section of this Chapter shall impose a mandatory duty on the City, or on any officer, official, agent, employee, board, council, or commission of the City. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall be deemed to invest the City, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section or not to enforce it.

7.48.060 SEVERABILITY. If any section, clause or provision of this Chapter shall be determined to be invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

7.48.070 IMPLEMENTATION. All vacant lots existing at the time this Chapter becomes effective must comply with this Chapter within ninety days of receiving notice from the City alerting the property owner of the requirements of this section. A reasonable extension of time may be granted by the Community Development Director for good cause as determined by the Community Development Director or designee. For the purposes of this section only, receipt of notice is deemed to have been provided five days after such notice is mailed by first class mail to the property owner(s) shown on the last assessment roll of the county. The failure of any property owner to receive this notice does not affect the validity of any proceedings under this Chapter.

Section 2. ENVIRONMENTAL DETERMINATION. In accordance with California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), adoption of this ordinance is not a project subject to CEQA, because it can be seen with certainty that there is no possibility that the ordinance will have a significant impact on the environment.

Section 3. PUBLICATION. This Ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 4. LEGISLATIVE HISTORY AND EFFECTIVE DATE. This Ordinance was introduced on July 20, 2015, and adopted on August 17, 2015 and shall be effective thirty days after its date of adoption.

The foregoing ordinance was adopted by the City Council of the City of San Mateo, State of California by the following vote:

AYES: Council Members Freschet, Matthews, Bonilla, Goethals and Lim
NOES: None
ABSENT: None

ATTEST:


Patrice M. Olds, City Clerk


Maureen Freschet, Mayor