

**ORDINANCE NO. 1786**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, AMENDING SECTIONS 1.20.120, 8.64.010, AND 8.64.020 OF THE GARDENA MUNICIPAL CODE, REGARDING ABATEMENT OF NUISANCES**

**WHEREAS**, in 2016, the Ninth Circuit decided *Mechammil v. City of San Jacinto et al.* which prohibits the City from collecting unpaid administrative fines and charges relating to real property through assessment or a nuisance abatement lien; and

**WHEREAS**, the City would like to update what constitutes a nuisance under the City's Real Property Nuisance ordinance.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES ORDAIN, AS FOLLOWS:**

**SECTION 1.** Section 1.20.120C of the Gardena Municipal Code is hereby deleted.

**SECTION 2.** Section 8.64.010 of the Gardena Municipal Code is hereby amended by adding the following definitions to read, as follows:

"Garbage" means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"Rubbish" means combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**SECTION 3.** Section 8.64.020 of the Gardena Municipal Code is hereby amended to read, as follows:

**8.64.020 Nuisances designated.**

It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any real property in the city:

A. To maintain any building or structure on the property in such a manner as to constitute a health hazard, fire hazard or a danger to human life; or

B. To maintain the property, the topography or configuration of which, whether in a natural state or as a result of grading operations, in such a manner as to cause erosion,

subsidence or surface water runoff problems which will or may be injurious to persons and/or to adjacent or nearby public or private properties; or

C. To maintain or fail to maintain the property so as to allow the overgrowth of vegetation or the accumulation of garbage, rubbish or debris so as to constitute a fire or health hazard, be likely to harbor rats or other vermin, be dangerous to the public health, safety or welfare, or have a tendency to depreciate property values of surrounding properties; or

D. To maintain or fail to maintain the property so as to allow an overgrowth of weeds or grasses on the property to exceed twelve inches in height; or

E. To maintain or fail to maintain the property, or any building or structure thereon, in such condition so that it is defective, unsightly or in such condition of deterioration or disrepair that it causes or may be reasonably expected to cause any diminution of the property values of nearby properties or otherwise interferes with the peaceful use, possession and/or enjoyment of nearby properties and improvements; or

F. To abandon or vacate any real property, building or structure so that it becomes readily available to unauthorized persons, including but not limited to juveniles and vagrants; or

G. To cause or maintain any real property, building, structure, or improvement thereon, or uses and activities thereon, to be in violation of any provision of the Gardena Municipal Code; or

H. To use, occupy or maintain any building, structure, improvement or property, or any part thereof, in violation of any specific requirement or prohibition applicable to such building, structure, or property contained in the Gardena Municipal Code, including all Codes adopted by reference; or

I. To maintain any building or portion thereof in a manner which constitutes a substandard building pursuant to Section [17920.3](#) of the California Health and Safety Code; or

J. To maintain property in such condition as to be detrimental to the public health, safety or general welfare or in such a manner as to constitute a public nuisance as defined by Civil Code Section [3480](#); or

K. To store, discharge, hold, handle, maintain, use or otherwise deal with hazardous substances, as defined by applicable state or federal laws or regulations:

1. In violation of federal, state or local laws or regulations, or
2. In such a manner to affect in any way air or water quality, or

3. In such a manner as to create an identifiable risk of accidental release of the substances, which release might adversely affect the health or safety of persons, damage property, or adversely affect air or water quality;

L. To keep any animal, reptile or insect in such a manner as to pose a threat, disturbance, danger or menace to persons or property of another or in a public right-of-way; or

M. To operate or maintain any device, instrument, vehicle or machinery such that the operation or maintenance causes noise, vibrations, dust, exhaust or fumes which cause discomfort or annoyance to reasonable persons of normal sensitivity or endangers the comfort, repose, health or peace of the residents in the area; or

N. To fail to remove underground or aboveground storage vessels or tanks within six months after the use of such tanks or vessels ceases; or

O. To maintain property containing refuse, rubbish, garbage, offal, animal excrement or other waste materials visible from the public right-of-way or adjoining properties which are not kept or disposed of in accordance with regulations of this code or other provisions of law; or

P. To dispose of animal excrement in such a manner as to expose the excrement to fly and/or maggot infestation or resultant odor; or

Q. To allow and/or to cause animal excrement to run off onto any property not belonging to the owner or person in charge of such animal; or

R. To park or store any operable vehicle on property used or zoned for residential purposes, in any parkway, front or side yards, or on any part of the property other than on a lawfully installed surface which leads to a residential garage, carport, or other area specifically designated by Title [18](#) of the Gardena Municipal Code, the community development department, planning commission or city council; or

S. To cause or permit the accumulation or storage of abandoned, wrecked, dismantled or inoperative trailers, campers, boats, airplanes or other mobile equipment, or parts thereof, in yard areas or driveways visible from the public right-of-way or any adjoining properties unless such is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard; or

T. To keep any vehicle in a state of major disassembly, disrepair, or in the process or being stripped or dismantled in yard areas or driveways visible from the public right-of-way or any adjoining properties unless the vehicle is being actively worked upon; or

U. To keep any vehicle on blocks, jacks, or similar supports visible from the public right-of-way or any adjoining property unless the vehicle is being actively worked upon; or



V. To maintain property containing attractive nuisances dangerous to children, including but not limited to:

1. Abandoned or broken equipment or machinery, or
2. Unfenced or otherwise unprotected swimming pools, spas, ponds or excavations, or
3. Refrigerators, iceboxes or deep freeze lockers, or other similar equipment having a capacity of one and one-half cubic feet or more which is not being used, without removing the door or such portion of the latch or locking mechanism as will prevent the latching or locking of the door, or
4. Uncapped or otherwise dangerous wells;

W. To maintain premises containing broken or discarded furniture or household equipment visible from the public right-of-way or any adjoining properties; or

X. To maintain premises with garbage or trash containers contrary to the provisions of the Gardena Municipal Code except when placed in places of collection at the times permitted; or

Y. To maintain premises containing packing boxes, lumber, junk, trash or other materials and debris stored in yards and/or other areas visible from public streets or adjoining properties;

Z. To maintain any building or structure on property which is partially destroyed, abandoned, or permitted to remain in a state of partial construction for more than twelve months after expiration of a valid building permit or extension thereof issued by the city; or

AA. To maintain any building, fence, landscaping or structure and/or the access thereto, with inscriptions, writings, scratches or other markings commonly referred to as "graffiti."

**SECTION 4.** CEQA Compliance. This Ordinance is exempt from CEQA under the following provisions of the CEQA Guideline section 15061(c)(3) provides that a project is exempt from CEQA when it is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment and does not apply where it can be seen with certainty that there is no possibility of a significant effect. It is clear that the changes set forth in this Ordinance will not create any significant impacts. Staff is directed to file a notice of exemption.

**SECTION 5.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have

passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 6. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

SECTION 7. Effective Date. This ordinance shall become effective on the thirty-first (31<sup>st</sup>) day after adoption.

Passed, approved, and adopted this 27<sup>th</sup> day of February, 2018.

  
TASHA CERDA, Mayor

ATTEST:  
  
MINA SEMENZA, City Clerk

APPROVED AS TO FORM:  
  
PETER L. WALLIN, City Attorney

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            ) ss:  
CITY OF GARDENA                        )

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Ordinance No. 1786** was duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a meeting of said City Council held on the **27<sup>th</sup>** day of **February, 2018**, and that the same was so passed and adopted by the following roll call vote:

AYES:     MAYOR PRO TEM MEDINA, COUNCIL MEMBERS HENDERSON, TANAKA  
          AND KASKANIAN AND MAYOR CERDA

NOES:     NONE

ABSTAIN: NONE

*Becky Romero*  
*for* \_\_\_\_\_  
City Clerk of the City of Gardena, California

(SEAL)