

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING NEW SECTIONS 9.30.030 ("STORAGE OF PERSONAL PROPERTY ON CITY PROPERTY PROHIBITED") AND 9.30.040 ("REMOVAL OF PERSONAL PROPERTY FROM CITY PROPERTY") TO CHAPTER 9.30 ("TRESPASSING") OF TITLE 9 ("PUBLIC PEACE, MORALS AND WELFARE) OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA"

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the Santa Clara City Code ("SCCC") states that City personnel may prohibit an individual from entering onto, or remaining on, City property, as may be reasonably necessary for the conduct of City business or for the protection or preservation of the public peace, health and safety, or to avoid personal injury or property damage;

WHEREAS, individuals sometimes leave personal property on public lands, whether intentionally or inadvertently, which personal property must be addressed by the City, whether as refuse or as property with some associated value; and

WHEREAS, in order to ensure that City land is free of the accumulation of such unattended property, while also respecting and upholding the due process and property rights of the property owners, the City Council finds it necessary in the exercise of its powers to protect the health, safety and welfare of the residents of the City, to amend SCCC Chapter 9.30 ("Trespassing") as set forth below.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That new Sections 9.30.030 ("Storage of Personal Property on City Property Prohibited") and Section 9.30.040 ("Removal of Personal Property from City Property") are added to Chapter 9.30 ("Trespassing") of Title 9 ("Public Peace, Morals, and Welfare") of

“The Code of the City of Santa Clara, California” to read as follows:

“9.30.030 Storage of Personal Property on City Property Prohibited.

(a) Except as otherwise permitted by City Code or other applicable law, or authorized in writing by the City of Santa Clara, no person shall store, stage, or maintain personal property or Unattended Property, upon any City-owned property.

(b) “Unattended Property” refers to any personal property which appears to have been abandoned, discarded, or disregarded by its owner, or property which has been left unattended for an unreasonable amount of time. An “unreasonable” amount of time may be any amount of time; however, any property left unattended for twelve (12) hours or more shall be considered unattended per se.

9.30.040 Removal of Personal Property from City Property.

(a) Owners of personal property or Unattended Property that is subject to the provisions of 9.30.030 shall remove such property immediately upon receiving instructions from the City Manager, or his/her designee. If, after request by the City, such owner fails to remove the subject property, the City may act to remove such property, as set forth herein.

(b) Unattended Property that creates any immediate risk of danger to the health, safety and welfare of the public may be removed and disposed of by the City without further process.

(c) In the event the City seeks to remove personal property or Unattended Property (that does not create an immediate risk of danger to the health, safety and welfare of the public) from public lands, the City shall conspicuously post notices at the subject area at least seventy-two (72) hours (“notice period”) before the property is removed.

(d) The personal property or Unattended Property in (c) shall be removed and stored by the City Manager, or his/her designee, in a manner consistent with applicable local, state and federal law. Following removal of any Unattended Property, owner(s) shall have ninety (90) days to recover such property, after which time the City may destroy or otherwise dispose of the property.”

SECTION 2: Ordinances Repealed. With exception of the provisions protected by the savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed.

SECTION 3: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this _____ day of _____, 2020, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA