

**ORDINANCE NO. 2023-04**

**AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA DETERMINING THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND REVISING TITLE 13 “VIOLATIONS” OF THE SAN JUAN BAUTISTA MUNICIPAL CODE BY REPEALING AND REPLACING ARTICLE 4 “NOTICED ABATEMENT PROCEDURE” AND ARTICLE 5 “EMERGENCY NUISANCE ABATEMENT PROCEDURE” OF CHAPTER 13.1 “ENFORCEMENT” BY ADOPTION OF AN ORDINANCE ENTITLED “ALTERNATIVE PUBLIC NUISANCE ABATEMENT PROCEDURES AND REMEDIES”**

**WHEREAS**, California law declares that anything which is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, triggers local police powers and under existing law public agencies can address public nuisance within their jurisdictions; and

**WHEREAS**, the City Council may provide by ordinance for the abatement of any public nuisance at the expense of the person maintaining same by establishing local administrative procedures; and

**WHEREAS**, the City of San Juan Bautista previously adopted local administrative provisions, codified as Article 4 (“Noticed Nuisance Abatement Procedure”) of Chapter 13.1 (“Enforcement”) of Title 13 (“Violations”) of the San Juan Bautista Municipal Code and Article 5 (“Emergency Nuisance Abatement Procedure”) of Chapter 13.1 of Title 1 of the San Juan Bautista Municipal Code; and

**WHEREAS**, the City Council reviewed and evaluated at a public meeting the recommended regulations and standards for the abatement of public nuisance as attached hereto as “Exhibit A”; and

**WHEREAS**, the City Council, in an effort to streamline the regulations for the abatement of public nuisance and to improve on existing processes and procedures provided now by the San Juan Bautista Municipal Code, has determined to repeal and replace Article 4 of Chapter 13.1 “Enforcement” of Title 13 “Violations” of the San Juan Bautista Municipal Code with “Exhibit A,” consisting of 21 pages, entitled “Alternative Public Nuisance Abatement Procedures and Remedies”; and

**WHEREAS**, as “Exhibit A” includes authority for summary abatement of any nuisance constituting an immediate threat to public health, safety, and/or welfare, in an effort to streamline the regulations for the abatement of public nuisance and to improve on existing processes and procedures in the Municipal Code, the City Council has determined to repeal and not replace Article 5 “Emergency Nuisance Abatement Procedure” of Chapter 13.1 “Enforcement” of Title 13 “Violations” of the San Juan Bautista Municipal Code; and

**WHEREAS**, on August 4, 2023, a Notice of Public Meeting for this matter was posted in three locations in the city designated by the City Council for posting of notices within the City; and

**WHEREAS**, on August 15, 2023, the City Council held a duly noticed public hearing on amendment of Title 13 of the Municipal Code at which time the City Council reviewed and considered the agenda report, reviewed and considered written correspondence from the public, testimony and other information in the record; and

**WHEREAS**, the City Council finds that establishing regulations, processes and procedures for the abatement of public nuisance is necessary for the health, safety and general welfare of the residents of the City.

**THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES  
HEREBY ORDAIN AS FOLLOWS:**

1. Environmental Determination. The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(B)(3) based on the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed Ordinance would increase the ability of the City to assure code compliance within the City and would not have any potential for creation of a significant environmental impact.
2. Article 4 of Chapter 13.1 of Title 13 Repealed and Replaced. Article 4 of Chapter 13.1 of Title 13 of the San Juan Bautista Municipal Code entitled “Noticed Nuisance Abatement Procedure” is hereby repealed in its entirety and replaced in the San Juan Bautista Municipal Code as set forth on the attached twenty-one (21) pages, Marked “Exhibit A” entitled “Article 4 Alternative Public Nuisance Abatement Procedures and Remedies” and incorporated herein by this reference thereto.
3. Article 5 of Chapter 13.1 of Title 13 Repealed and Not Replaced Article 5 of Chapter 13.1 of Title 13 of the San Juan Bautista Municipal Code entitled “Emergency Nuisance Abatement Procedure” is hereby repealed in its entirety and not replaced.
4. Effective Date. This Ordinance shall be in full force and effect 30 days after its final passage and adoption.
5. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.
6. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted on the internet and in the public places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of San Juan Bautista duly held on August 15, 2023, and was passed and adopted at a regular meeting duly held on October 17, 2023.

**PASSED AND ADOPTED** by the San Juan Bautista City Council on the 17th day of October 2023, by the following vote:

**AYES:** Councilmembers: Freels, Freeman, Morris-Lopez, Sabathia, and Mayor Jordan

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**APPROVED:**

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Leslie Q. Jordan, Mayor

**ATTEST:**

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Elizabeth Soto, Deputy City Clerk

**APPROVED AS TO FORM:**

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Jon R. Giffen, City Attorney