Councilmembers, Staff, and the Public

Regarding **Agenda Item 7** and the proposed ordinance to add **Chapter 8.90 (Community Preservation and Blight Reduction)** and substantially amend **Chapter 1.04 (Code Enforcement & General Penalty)**. The staff report explicitly lists an option to "provide alternative direction to staff."

My request: Please choose **Option 3** and direct staff to return with a **rewritten ordinance**. The current draft contains multiple provisions that would classify ordinary, common "semi-rural / working property" conditions as "blight," relies on subjective standards, and pairs this with high-stakes enforcement (daily accruing penalties, liens/special assessments, and summary abatement).

A. The ordinance defines "blight" to include normal materials and normal timelines

The draft treats as "exterior property blight" things that are routine in less-developed or working yards:

- "The storage of dirt, sand, gravel, concrete… visible from the street."
- "Packing boxes, pallets, lumber… kept… for more than 72-hours."
- Solid-waste language that includes "trimmings… visible… and present for more than seventy-two consecutive hours."
- "Plant cuttings… [and] packing materials… wood…" included in "abandoned, discarded, or dilapidated objects" that can "render premises unsightly," i.e., a very broad sweep.

Even if the intent is to address truly hazardous accumulation, these provisions can convert everyday reality such as projects, gardening, landscaping, or seasonal cleanup, into a code violation.

B. A key clause is subjective ("out of harmony… property values"), inviting uneven enforcement

The "Miscellaneous" clause defines blight as conditions that are "so out of harmony with the standards of properties in the vicinity" that they diminish enjoyment or "property values."

This kind of "harmony/standards" language is hard to apply consistently and can become complaint-driven, selective, or inequitable, especially in a community with mixed development patterns.

C. The enforcement tools are strong enough that overbreadth becomes high-risk

The ordinance couples broad "blight" definitions with escalating mechanisms that can become life-disrupting:

- Administrative penalties can **accrue daily**.
- Penalties can become a **lien or special assessment** on real property.
- If not satisfied, the penalty amount may become a **special assessment and lien** after 60 days, with added costs possible.

- **Summary abatement** may occur "immediately and without prior notice or hearing" based on the officer's judgment of imminent danger and costs may be imposed as lien/special assessment.
- The administrative appeal process includes a **required appeals processing fee**; failure to pay can constitute a **waiver** of appeal rights.

Again: I'm not arguing the City shouldn't address real nuisance and hazard conditions. I'm saying that **this combination** (broad definitions + subjective clause + high-stakes enforcement) is a recipe for community conflict and unintended harm.

If Council sends this back, I recommend directing staff to produce a revision that meets these standards:

1. **Objective definitions only**
   "Blight" should be grounded in **observable health/safety hazards, verified nuisance conditions, or clear code violations,** not neighborhood "harmony," aesthetics, or speculative property value impacts.
2. **Safe-harbors for rural/working-property realities**
   Explicit carve-outs for gardening, landscaping materials, firewood, composting, project staging, and seasonal green waste paired with containment/screening rules rather than "ban-by-default."
3. **Replace 72-hour triggers with "contained / non-hazardous" standards (or longer time windows)**
   If time windows remain, make them realistic (e.g., 10–14 days, "next scheduled pickup," or "during an active project") rather than 72 hours.
4. **Due process + proportionality**
   Penalties should not begin accruing until after a meaningful cure period (except in true emergencies). When fees are used for appeals, include hardship waivers and never condition appeal rights on ability to pay.
5. **Narrow summary abatement to true emergencies**
   "Summary abatement" should be limited to tightly defined, demonstrable emergencies (collapse, fire risk, exposed hazardous materials, immediate traffic visibility hazard, etc.), with prompt written notice and a clear post-action review process.
6. **Transparency and guardrails against selective enforcement**
   If the City intends complaint-driven enforcement, say so; if proactive inspections are intended, define criteria and publish annual metrics.

I appreciate your consideration of the values of our community at large and invite anyone interested in discussing these concerns further to reach out to me directly.

- Kyle Falbo

Specific rewrite targets and proposed replacement language (actionable redlines)

A) Replace the "out of harmony… property values" clause with objective criteria

Current "Miscellaneous" clause includes: "so out of harmony… property values."

Recommended direction: delete that phrase and replace with:

> "Any other condition or use of property that presents a specific, objective, and articulable threat to public health or safety, or that constitutes a public nuisance as defined in California Civil Code Sections 3479–3480, supported by documented observations."

(This keeps enforcement for true nuisances while removing subjectivity.)

B) Revise "dirt/sand/gravel visible from the street" into a "contained/screened + non-hazardous" standard

Current: visible dirt/sand/gravel is itself blight.

Replace with:

> "Outdoor storage of soil, mulch, gravel, and similar landscaping materials is permitted when maintained in a neat and stable manner and does not (a) encroach into the public right-of-way, (b) create drainage/erosion hazards, (c) create windblown debris impacts, or (d) otherwise constitute a documented health/safety hazard. The City may require reasonable screening when materials are stored for extended periods."

C) Replace the 72-hour "pallets/lumber/packing" rule with "project materials" rules

Current: pallets/lumber/packing kept > 72 hours = blight.

Replace with:

> "Temporary outdoor storage of project materials (including lumber, pallets, and similar items) is permitted when stacked/secured and maintained so it does not create (a) a fire hazard, (b) a vermin harborage condition, or (c) public right-of-way impacts. Time limits, if any, should be no less than 10–14 days and should include an exemption for active projects, deliveries, and scheduled contractor work."

D) Rework the "trimmings visible for >72 hours" clause to track actual impacts

Current: "trimmings… visible… more than seventy-two consecutive hours."

Replace with:

> "Green waste and trimmings constitute a violation only when left in a manner that is unsecured/windblown, obstructs sidewalks/ROW, creates a clear vermin condition, or contains putrescible waste outside secured containers."

(If the City needs a time-based backstop, align it to pickup schedules: "beyond the next scheduled collection day.")

E) Fix the "disabled vehicle visible for 72 hours" standard to focus on abandonment/safety harms

Current: a vehicle that "may not be operated because of the need for repairs… for any other reason" visible for >72 hours is prohibited.

Replace with:

> "Abandoned, dismantled, or inoperable vehicles that pose a safety risk or leak fluids constitute a violation when visible from the public right-of-way beyond [X] days. A registered vehicle temporarily under repair does not constitute a violation when it is not leaking fluids and is reasonably screened or covered."

F) Appeal fee and cure periods: add hardship, remove "pay-to-appeal," and ensure cure time before accrual

The draft states failure to pay the appeals processing fee can waive appeal rights.

Rewrite direction:

- Add a **fee waiver** standard (low-income, fixed income, seniors, disability, hardship).
- Do **not** treat nonpayment as waiver of appeal rights; allow an affidavit/hardship application.
- Ensure cure times are meaningful before daily penalties accrue; the Code already references "reasonable time" and at least 10 days for certain issues.

G) Summary abatement: narrow it and require post-action notice + review

Current: "act immediately and without prior notice or hearing" based on judgment of imminent danger; costs can be lien/assessment.

Rewrite direction:

- Define "imminent or immediate danger" categories with examples (collapse, open excavation accessible to public, exposed hazardous materials, immediate traffic-vi