

REGULAR

NUMBER 274

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADDING CHAPTER 1100 TO TITLE V OF THE MILPITAS MUNICIPAL CODE, TO EXPAND THE DEFINITION OF A PUBLIC NUISANCE AND TO PROVIDE A COST RECOVERY MECHANISM FOR PUBLIC NUISANCE ABATEMENT

HISTORY: This ordinance was introduced (first reading) at a meeting of the City Council of the City of Milpitas on September 4, 2007, by motion of Vice Mayor Livengood, and was adopted at a meeting of said Council on _____, upon motion of Councilmember _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

Section 1.

The following Chapter shall be added to Title V of the Milpitas Municipal Code:

V-1100 – 1.00: “Expanded Public Nuisance Abatement Procedure.”

V-1100 – 2.00: Expanded Definition of Public Nuisance. “Any property, building, or other improvement found to be maintained in such condition as to constitute a public nuisance as defined anywhere in this Code, the statutes of the state of California or in the common law is declared to constitute a public nuisance subject to abatement and lien for recovery of abatement costs.”

V-1100 – 3.00: Declaration of Public Nuisance and Abatement Procedure. A violation of this ordinance shall constitute a public nuisance that may be abated pursuant to the procedures set forth in Milpitas Municipal Code Sections V-500-3.01, V-500-3.01.1, V-500-3.02, V-500-3.03, V-500-3.04, V-500-3.05, V-500-3.06, V-500-3.07, V-500-3.08, V-500-4.00, V-500-4.01, V-500-4.02, V-500-4.03, V-500-4.04, V-500-4.05, V-500-5.01, V-500-5.02, V-500-6.00, V-500-6.01, V-500-6.02, and be subject to those provisions allowing for cost recovery, at the discretion of the City Manager.

Section 2. **SEVERABILITY**

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 3. **PUBLICATION AND EFFECTIVE DATE**

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance to be published in accordance with Section 36933 of the Government Code of the State of California.