

ORDINANCE NO. 410

AN ORDINANCE AMENDING ARTICLE 7-45 OF THE SARATOGA CITY CODE CONCERNING COMMERCIAL PROPERTY MAINTENANCE

The City Council of the City of Saratoga finds that:

1. Commercial buildings that are vacant or in a state of disrepair or poor maintenance may adversely affect surrounding businesses, detract from the appearance of a vibrant commercial area, and may contribute to blighted conditions that negatively impact the entire community.
2. To minimize these adverse effects and preserve and improve the appearance of commercial areas in Saratoga this ordinance requires windows of vacant commercial buildings in the Saratoga Village and other commercial areas in the City to be aesthetically pleasing when viewed from the street and sidewalk and requires building to be in otherwise good repair.
3. Maintaining attractive storefronts, even when vacant, helps sustain foot traffic and encourages consumer confidence, which supports neighboring businesses and makes the area more appealing to prospective tenants or investors.
4. Requiring aesthetic maintenance creates a sense of urgency for property owners to find new tenants or buyers more quickly, helping reduce long-term vacancies.
5. The City Council of the City of Saratoga held a duly noticed public hearing on May 21, 2025, and after considering all testimony and written materials provided in connection with that hearing, introduced this ordinance and waived the reading thereof.
6. The City Council adopted this Ordinance at a duly noticed regular meeting on June 4, 2025.

Therefore, the City Council of the City of Saratoga hereby ordains as follows:

Section 1. Adoption.

The Saratoga Municipal Code is amended to amend Article 7-45 as set forth in Attachment 1.

Section 2. Severance Clause.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

Section 3. Publication.

A summary of this ordinance shall be published in a newspaper of general circulation of the City of Saratoga within fifteen days after the ordinance's adoption.

Following a duly noticed public hearing the foregoing ordinance was introduced at the regular meeting of the City Council of the City of Saratoga held on May 21, 2025, and was adopted by the following vote on June 4, 2025.

AYES: COUNCIL MEMBERS FITZSIMMONS, WALIA, ZHAO; MAYOR AFTAB

NOES: NONE

ABSENT: VICE MAYOR PAGE

ABSTAIN: NONE


Belal Y. Aftab, Mayor

ATTEST:



Britt Avrit, MMC, City Clerk

APPROVED AS TO FORM:



Richard Taylor
CITY ATTORNEY

DATE:

June 4, 2025

ATTACHMENT 1

The provisions of the Saratoga Municipal Code set forth below are amended as follows:

*Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~).*

Article 7-45

COMMERCIAL PROPERTY MAINTENANCE

7-45.010 Purposes of article.

This Article is adopted for the following purposes:

- (a) To establish community standards for the maintenance of commercial property.
- (b) To prevent property from being maintained in such condition as to cause discomfort or annoyance to persons of normal sensitivities.
- (c) To maintain and preserve property values within the community.
- (d) To enhance the quality of storm water runoff generated from commercial properties and to prevent storm water related pollution.

7-45.020 Definitions.

For the purposes of this Article the following words and phrases shall have the meanings respectively ascribed to them in this Section, unless the context of the provision clearly requires otherwise.

- (a) **Building** means any structure used or intended for supporting or sheltering any use or occupancy.
- (b) **Junk** means any cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or wrecked object, thing or material.
- (c) **Owner** means any person owning property, as shown on the last equalized assessment roll for City taxes or the lessee, tenant or other person having control or possession of the property.
- (d) **Person** means any individual, partnership, corporation, association or other organization, however formed.
- (e) **Community Development Director** means the Community Development Director and his/her designees.
- (f) **Property** means all nonresidential zoned real property, and all real property upon which a nonresidential use or occupancy exists, including, but not limited to, the entire premises, parking lots, sidewalks, gutters, storm drain systems, driveways, walkways, alley ways and shall include any building and structure located on such property.
- (g) **Registered/registration** means a current, valid California registration for a vehicle conforming to California Vehicle Code Sections 4000, or 9840 et seq. for boats.

- (h) **Street** means the full width of the right-of-way of any street, as defined in the California Vehicle Code used by the general public, whether or not such street has been accepted as and declared to be part of the City system of streets, including streets forming a part of the State highway system.
- (i) **Vehicle** means a device by which any person or property may be propelled, moved or drawn upon a highway, road or body of water, and for the purposes of this Chapter shall include, but not be limited to, automobiles, recreational vehicles, campers, boats, motorcycles and mopeds.

7-45.030 Unlawful property nuisance; private property.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of privately owned property in the City to maintain or to allow to be maintained such property in such manner that any of the following conditions which are visible from the street or from neighboring properties are found to exist thereon for a period of more than thirty days (or such other period set forth below) after written notice of same has been given by the Community Development Director, except as may be allowed by any other provision of law, including provisions of this Code.

(a) Unlawful outdoor storage and conditions.

- (1) The accumulation of abandoned, discarded, or dilapidated objects, including but not limited to junk; abandoned, wrecked, dismantled or inoperative vehicles; vehicle parts and equipment; machine parts, scrap material, appliances, furniture, household equipment and furnishings, shopping carts, containers, packing materials, scrap metal, wood, plant cuttings, rubbish and debris or similar matter which constitutes a threat to public health or safety or renders any premises unsightly and detrimental to the general public welfare.

Nothing in this Section shall be construed as prohibiting the orderly outdoor storage of business-related materials and inventory where permitted by applicable zoning designation, rules or regulations.

- (2) The accumulation of dirt, sand, gravel, concrete, litter, debris or other similar material on the property which is visible from the street, from neighboring properties, or from areas of general public/invitee access on the property; or which could potentially be discharged into a storm drain system.
- (3) Attractive nuisances visible from a public street, or neighboring properties, dangerous to those members of the public unable to discover the nuisance condition, or recognize its potential danger, including, but not limited to abandoned, broken, neglected or unsupervised vehicles, machinery, equipment, lights, light fixtures, refrigerators and freezers, pools, ponds and excavations, as well as all other items and conditions identified in Penal Code Section 402(c) and Health and Safety Code Section 24400. (4) Materials or other items stacked in a manner as to be visible from the street or from neighboring properties, or from areas of general public/invitee access on the property, above any fence or in a manner which could potentially result in discharge into a storm drain system. Nothing in this Section shall be construed as prohibiting the orderly outdoor

storage of business-related materials and inventory above fence height where permitted by applicable zoning designation, rules or regulations.

- (5) The placement of items of business inventory, refuse containers, equipment, vehicles, or obstruction on the street, sidewalk or parking areas developed or intended for use by public invitees in general.
- (6) Materials stored or stacked on property in a disorderly, disarrayed or unsightly manner in view of the street, of neighboring properties or of areas of general public/invitee access on the property, in zoning districts where outdoor storage may be permitted or in a manner which could potentially result in discharge into a storm drain system.
- (7) Boats, trailers, recreation vehicles, vehicle parts or other articles of personal property which are left in a state of partial construction, dilapidation or disrepair in locations which are visible from the street or neighboring properties; or which are left parked or stored in violation of applicable zoning designation, rules or regulations.
- (8) Packing boxes, pallets, lumber, junk, trash, salvage materials, or other debris kept on the property and visible from the street, from neighboring properties, or from areas of general public/invitee access on the property.
- (9) The storage of firewood or other flammable materials in excess of standards relating to the safe storage of combustible materials as determined by the Fire Chief and the Uniform Fire Code.

(b) Landscaping/vegetation.

- (1) Dead or hazardous trees. For the purpose of this section, "dead tree" has the meaning set forth in Section 15-50.020(i) of the Saratoga City Code.
- (2) Weeds or other vegetation constituting unsightly appearance, a danger to public safety and welfare, a detriment to neighboring property or property values, **create the appearance of a vacant or abandoned building or structure,** or from which a continuous offensive odor emanates.
- (3) Overgrown vegetation likely to harbor rats, vermin and other nuisances, growing into the public right-of-way, or obstructing the necessary view of drivers on public streets or private driveways, and visible from the street, from neighboring properties, or from areas of general public/invitee access on the property.
- (4) Failure to comply with the requirements set forth in any City zoning approval or permit applicable to the premises.

(c) Trash, litter, trimmings, oil and debris.

- (1) The accumulation of litter, debris, trimmings or trash on any property, including sidewalks, gutters, storm drains, driveways, walkways, alleyways, parking lots or the public right-of-way, which is generated on, or as a consequence of the use or maintenance of the property, or from which a continuous, offensive odor emanates.

- (2) Pooled oil, water, or other liquid accumulation, flowing onto the street, or into a storm drain system, or excessive accumulations of grease or oil on paved surfaces, or in storm drain systems.

(d) **Trash containers.**

- (1) Trash, garbage or refuse cans, bins, boxes or other such containers stored in view of the street or neighboring properties or from which a continuous, offensive odor emanates. Nothing in this Section shall be construed as prohibiting the outdoor storage of any type of trash receptacle if said receptacle is screened from view from the street, any public right-of-way or neighboring properties in a manner approved by the Community Development Director and consistent with applicable zoning designations, rules or regulations.
- (2) Any property without regular and adequate trash collection service.
- (3) Trash containers without secure, firmly fitting covers or evidencing an overflow of trash and/or other debris.

(e) **Buildings and structures.**

- (1) Buildings which are dilapidated, abandoned, boarded up, partially destroyed, have unsecured broken windows or doors or broken windows or doors secured with wood or other materials or which are left in a state of partial construction, buildings subject to demolition pursuant to applicable provisions of this Code or other authority, for which demolition has not been diligently pursued, and such buildings which are unpainted or where the paint on the building exterior is significantly cracking, peeling, chalking, ~~or~~ worn off, or not weatherproof. Except for buildings that have suffered extensive fire or structural damage, all window and door openings facing sidewalks, street, alley or public spaces are prohibited from being covered with unsuitable materials such as drywall, plywood, or paper.
- (2) Unsecured buildings constituting hazardous conditions or inviting or permitting trespassers and malicious mischief.
- (3) Awnings, covers, canopies, umbrellas, screens, lights, light fixtures or other window coverings or building structures which are damaged, torn, severely faded, rusted, bent, unpainted or in some other state of substantial disrepair.
- (4) Construction, alteration, improvements, or rehabilitation that has not been completed during the term of a valid building permit or building permit extension issued by the building official.

(f) **Fences and gates.**

- (1) Fences or other structures on private property abutting, fronting upon, or visible from any public street or neighboring properties, which are sagging, leaning, fallen, decayed, extending into the public right-of-way or other dilapidated or unsafe condition.

(g) **Graffiti.**

- (1) Graffiti or other words, lettering or drawings not otherwise permitted by the provisions of this Code, ~~which remain~~ on the exterior of any building, fence or wall **which is not removed or painted over with similar exterior grade paint to match the color of the exterior of the building or structure** for a period of more than ~~ten days~~ **forty-eight (48) hours** after written notice of same has been given by the Community Development Director.
- (h) **Parking limitations.**
 - (1) Vehicles, whether motorized or nonmotorized, parked within any required setback or on any surface which has not previously been approved for parking purposes pursuant to applicable Building Code and/or zoning ordinance provisions.
- (i) **Parking strips.**
 - (1) Allowing an accumulation of junk, rubbish, debris, or dead, decayed or overgrown vegetation in that area between the property line and the street line of a given parcel, commonly known as a "parkway."
- (j) **Window displays.**

Any building or portion thereof on private property that is unoccupied shall maintain at least one of the following types of displays on or inside all ground-floor windows in the vacant portion of the building that face sidewalks, streets, alleys, or public open spaces:

 - (1) Faux window dressings with the visual characteristics of a vibrant business using background panels or other methods to screen views of the unoccupied space from the street, sidewalk and public areas;**
 - (2) Works of art or other displays of cultural, historical, or educational value, using background panels or other methods to screen views of the unoccupied space from the street, sidewalk and public areas;**
 - (3) Window paintings featuring visually appealing scenes depicting or suggesting business or cultural activities; or**
 - (4) Other measures consistent with these examples, if approved in writing by the Director, in the Director's sole discretion.**

The display shall be installed as soon as possible following the vacancy and no later than 30 days following notice from the Community Development Director.
- (j ~~k~~) **Miscellaneous.**
 - (1) Any other condition or use of property which gives rise to a reasonable determination by the Community Development Director, that said condition or use represents some threat to the health and welfare of the public by virtue of its unsafe, dangerous or hazardous nature, or which is so out of harmony with the standards of properties in the vicinity so as to cause substantial diminution of the enjoyment, use, or property values of such properties.

This Article is intended to supplement and not to supplant or conflict with any other provisions of this Code or of federal or State laws.

7-45.050 Violations as constituting infraction offense; penalties.

The violation of any provision contained in this Article is hereby declared to be unlawful and shall constitute a misdemeanor and a public nuisance subject to the penalties as prescribed in Chapter 3 of this Code provided, however, any such violation may, on the discretion of the enforcing authority, be charged and prosecuted as an infraction.