

ORDINANCE NO. NS-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA AMENDING ARTICLE I OF CHAPTER 10 OF
THE SANTA ANA MUNICIPAL CODE TO REQUIRE SIGNS
AT COMMERCIAL CENTERS PROVIDING INFORMATION
ABOUT PROPERTY MAINTENANCE TO THE PUBLIC

WHEREAS, throughout the City of Santa Ana, commercial centers display varying degrees of upkeep; and

WHEREAS, the disparate maintenance of commercial centers has led to a decline in the overall appearance of the City to the dismay of its residents and an increase in calls to Santa Ana Code Enforcement and the Santa Ana Police Department regarding the condition of commercial centers; and

WHEREAS, the City hopes to expedite the process of remedying ill-maintained commercial centers by furnishing the public with an avenue of direct communication with the property management regarding the condition of the property; and

WHEREAS, the City now seeks to take robust action to preserve its beauty and code enforcement resources by requiring commercial centers to place signage at all ingresses and egresses indicating the name and phone number of a person responsible for fielding comments, complaints, and concerns from the public regarding the general upkeep and condition of the commercial center; and

WHEREAS, the City Council of the City of Santa Ana discussed this subject on April 19, 2022, and directed staff to prepare an ordinance to this effect.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA ANA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. Section 10-96 of Article I (In General) of Chapter 10 of the Santa Ana Municipal Code (Crimes and Miscellaneous Law Enforcement Provisions) is hereby amended to read in its entirety as follows:

Sec. 10-96. - Loitering, obstructing passage; signs; requirements for commercial centers.

(a) *Public property.* No person, after first being warned by a law enforcement officer, shall loiter, stand, sit or lie in or upon any public street, sidewalk, curb, crosswalk, walkway area or mall so as to hinder or obstruct the free passage of pedestrians or

vehicles thereon; nor shall any person block, obstruct or prevent the free access to the entrance of any building open to the public.

(b) *Private property open to the public.* No person, after first being warned by a law enforcement officer, or where a sign or signs have been posted in accordance with this section, shall loiter, stand, sit or lie in or upon any portion of private property utilized for public use, so as to hinder or obstruct the free passage of pedestrians or vehicles thereon; nor shall any person block, obstruct or prevent the free access to the entrance of any building open to the public.

(c) *Signs posted as provided in subsection (b) of this section shall conform to the following requirements:*

- (1) Each sign shall not be less than twenty-two (22) inches by thirty (30) inches;
- (2) Sign colors and materials shall contribute to the sign's legibility, and sign materials shall be compatible with and complement the overall design of the private property;
- (3) All signs shall be clearly visible to persons in restricted locations;
- (4) Signs shall have the word "**WARNING**" not less than two (2) inches in height, and all other lettering shall be at least five-eighths ($\frac{5}{8}$) inches in height;
- (5) Signs shall be posted every one hundred (100) feet; and
- (6) The following wording shall appear on each sign:

"WARNING"

"Unreasonable obstruction of pedestrian traffic in this area by persons loitering, standing, sitting, or lying is prohibited and punishable as a misdemeanor."

"SAMC Section 10-96"

(d) *Signage requirement for commercial centers.* Every commercial center shall have signs posted at each entrance and exit on the property providing the name and 24-hour contact phone number of a representative of the property management company for the center, or if no property management company, then the name and 24-hour contact phone number of the property owner or the person responsible for the maintenance of the property, to whom the City and the members of the public can provide notice of any operational or maintenance-related problems associated with the premises. Each commercial center owner shall make reasonable and good faith efforts to encourage the public to call this representative to resolve any operational or maintenance-related problems before any calls or complaints are made to the City or law enforcement regarding the same. It shall be unlawful for any responsible person, as defined in section 1-21.1(a) of this Code, or any other person having responsibility over the operation of a commercial center to fail to comply with the requirements of this subsection (d).

(e) *Commercial center*, as used in this section, is a commercial or industrial complex containing a variety of one or more retail stores, restaurants, and other

businesses providing goods and/or services to the public, housed in a series of connected and/or adjacent buildings and structures within an integrated campus that shares common areas and parking facilities, and which fronts onto one or more roadways.

(f) Signs posted as provided in subsection (d) of this section shall conform to the following requirements:

(1) Each sign shall not be less than eighteen (18) inches x twenty-four (24) inches;(2) Sign colors and materials shall contribute to the sign's legibility, and sign materials shall be compatible with and complement the overall design of the commercial center;(3) Signs shall be of a font that is legible from a distance of forty-five (45) feet; and(4) The following wording shall appear on each sign:

"This property is managed by (name). To report any problems or concerns regarding this property, call (name and 24-hour contact phone number.)"

"SAMC Section 10-96"

Section 3. The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment and it is not a "project", as defined in Section 15378 of the CEQA Guidelines.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 5. This Ordinance shall become effective thirty (30) days after its adoption.

Section 6. The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2022.

Vicente Sarmiento
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
John M. Funk
Chief Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Daisy Gomez, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Clerk of the Council
City of Santa Ana