

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 9 OF THE SANTA ROSA CITY CODE BY REPEALING CHAPTER 9-24 PERTAINING TO ADMINISTRATIVE ENFORCEMENT OF COVID-19 PUBLIC HEALTH ORDERS IN ITS ENTIRETY; BY ADDING A NEW CHAPTER 9-24 PERTAINING TO THE INSPECTION, MAINTENANCE AND REGISTRATION OF REAL PROPERTIES WHICH EXIST AS UNMAINTAINED VACANT LOTS OR WHICH CONTAIN VACANT OR ABANDONED BUILDINGS; AND BY AMENDING SECTION 18-20.302.4 OF THE SANTA ROSA CITY CODE

WHEREAS, the State of California and the County of Sonoma lifted COVID-19 emergency health orders on February 28, 2023; and

WHEREAS, the Federal Government ended the COVID-19 national public health emergency on May 11, 2023; and

WHEREAS, these governmental actions rendered obsolete the need for municipal enforcement provisions specific to Covid-19 public health orders; and

WHEREAS, the presence of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings can lead to neighborhood blight and decline; and

WHEREAS, the presence of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings can contribute to lower area property values; and

WHEREAS, the presence of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings can attract children; unsheltered individuals; or gang members and other criminals as prime locations for drug dens or the conduct of other illegal activities; and

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WHEREAS, real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings that are not maintained or secured pose serious threats to the public's health and safety, and therefore are declared to be public nuisances dangerous to the community; and

WHEREAS, the presence of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings can discourage potential buyers from purchasing properties adjacent to or within proximal neighborhoods; and

WHEREAS, many real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings are the responsibilities of out-of-area, out-of-state, owners, lenders, and beneficial interests; and

WHEREAS, in many instances, these owners, lenders and beneficial interests fail to adequately maintain and secure these properties; and

WHEREAS, the City has an obligation to protect all of its neighborhoods from decline and devaluation; and

WHEREAS, on _____, 2023, the Santa Rosa City Council met, reviewed, and discussed the proposed ordinance;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Chapter 9-24 – Administrative Enforcement of Covid-19 Public Health Orders is hereby repealed in its entirety.

Section 2. Chapter 9-24 – Inspection, Maintenance and Registration of Real Properties which exist as Unmaintained Vacant Lots or which contain Vacant, or Abandoned Buildings is added to the Santa Rosa City Code to read as follows:

**“CHAPTER 9-24 – INSPECTION, MAINTENANCE AND REGISTRATION OF REAL
PROPERTIES WHICH EXIST AS UNMAINTAINED VACANT LOTS OR WHICH
CONTAIN VACANT OR ABANDONED BUILDINGS”**

9-24.010 Definitions.

- A. “Beneficiary” shall mean a lender under a note secured by a Deed of Trust.
- B. “Code Enforcement Officer” shall mean the Director of Planning and Economic Development and/or their designee, including any employee or agent of the City designated and/or charged with enforcing the Santa Rosa City Code, including but not limited to, applicable codes adopted by reference therein, or any other applicable law or regulation.
- C. “Deed of Trust” shall mean an instrument by which title to real estate is transferred to a third-party Trustee as security for a real estate loan. This definition applies to all deeds of trust regardless of priority.
- D. “Default” shall mean the failure to fulfill a contractual obligation whether monetary or non-monetary.
- E. “Foreclosed” shall mean real property for which the foreclosure process has begun with the filing of a notice of default.
- F. “Notice of Default” shall mean a recorded notice that a default has occurred under a Deed of Trust.
- G. “Property Owner” shall mean the responsible party, person or entity owning the real property as shown on the last equalized tax assessment roll maintained in the Sonoma County Assessor's office; or any person, co-partnership, agent, operator, firm, association, corporation, or fiduciary having a legal or equitable interest in the property or who otherwise exercises control of the property, including the trustee or

guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered by a court of competent jurisdiction to take possession or control of the real property. For purposes of this ordinance, and notwithstanding the composition of the party or parties constituting the “Property Owner,” only a single registration will be necessary per property when so required.

- H. “Real Property” shall mean land, whether improved or unimproved, located within the City of Santa Rosa corporate limits, and anything growing on, affixed to, placed upon, built upon, or situated relative thereto.
- I. “Trustee” shall mean any person, co-partnership, agent, operator, firm, association, corporation, fiduciary, or other legal entity holding a deed of trust securing an interest in real property.
- J. “Trustor” shall mean a borrower under a Deed of Trust, who deeds real property to a Trustee as security for the payment of a debt.
- K. “Unmaintained Vacant Lot” shall mean:
 - 1. Any real property that is not maintained in accordance with this chapter and/or for which any of the following conditions exist:
 - a) the lot is undeveloped;
 - b) the lot lacks approved or permitted buildings or structures;
 - c) the lot previously contained buildings or structures that have since been demolished or which otherwise no longer substantially exist;
 - d) the lot is under a current notice of default and/or notice of trustee’s sale;
 - e) the lot has a pending tax assessor’s lien sale;

- f) the lot is subject to foreclosure sale where title was retained by the beneficiary of a deed of trust; or has been transferred under a deed in lieu of foreclosure/sale; or
- g) the lot has been occupied by unauthorized persons for any length of time.

2. This definition shall not include:

- a) lots for which a building permit has been issued and has not yet expired, or lots upon which construction, alteration, improvement, rehabilitation, or repair is occurring pursuant to a valid, unexpired building permit, provided such activity is proceeding diligently to completion and in accordance with provisions of this Code, specifically including all applicable property maintenance provisions;
- b) lots being lawfully utilized and appropriately maintained for small-scale agricultural purposes or community gardens in accordance with the provisions of this Code; or
- c) lots which are subject to recurring/annual weed abatement activities, provided that maintenance issues are solely confined to overgrown weeds or vegetation.

L. "Vacant or Abandoned Buildings" shall mean:

- 1. Any and all structures, buildings and/or improvements located on real property, located within the corporate limits of the City, which are not maintained in accordance with this chapter and/or for which any of the following conditions exist:
 - a) has been vacant for more than thirty days, whether by voluntary action, fire, or other damage, or because of enforcement action by the City;
 - b) is under a current notice of default and/or notice of trustee's sale;
 - c) has a pending tax assessor's lien sale;

- d) is subject to foreclosure sale where title was retained by the beneficiary of a deed of trust; or has been transferred under a deed in lieu of foreclosure/sale; or
 - e) is inhabited by a person without a legal right of occupancy.
2. This definition shall not include:
- a) a building or structure where construction, alteration, improvements, rehabilitation, or repair is occurring pursuant to a valid, unexpired building permit, provided such activity is proceeding diligently to completion and in accordance with provisions of this Code, specifically including all applicable property maintenance provisions; or
 - b) multi-family dwellings containing four (4) or more permitted units.

9-24.020 Registration and Monitoring Requirements; Related Fees; Relief from Requirements; Noticing.

- A. Except as otherwise provided for in subsection H of this section, the registration requirements under this section shall apply to all property owners of real properties which exist as unmaintained vacant lots, or which contain vacant or abandoned buildings as defined herein.
- B. Any property owner who holds any property interest in any real property which exists as an unmaintained vacant lot, or which contains vacant or abandoned buildings shall register the property with the City's Code Enforcement Division by fully completing a registration packet furnished by the City.
- C. The registration requirement is triggered within ten (10) days after either of the following occurs:

1. The real property is found to be an unmaintained vacant lot, or contain a vacant or abandoned building, as defined in this chapter; or
 2. A notice of default has been recorded.
- D. Real properties which, prior to the effective date of this ordinance, existed as unmaintained vacant lots; which contained vacant or abandoned buildings; or which had an active and unresolved notice of default recorded shall be subject to the registration requirements upon the tenth (10th) day after the effective date of this ordinance. The registration requirement shall continue until or unless the property is found to meet the provisions of section 9-24.020(H).
- E. For foreclosed properties subject to registration because a notice of default has been recorded, the registration requirement is triggered for an existing property owner upon the tenth (10th) day after the recording of the notice of default, and for a new property owner, it is triggered upon the tenth (10th) day after acquiring the property at a trustee sale. The registration requirement shall continue until the property is found to meet one of the provisions of section 9-24.020(H).
- F. All real properties which exist as unmaintained vacant lots, or which contain vacant or abandoned buildings are subject to monitoring by the City's Code Enforcement Division. Monitoring is required to ensure compliance with this chapter.
- G. Fee Imposed. There is imposed on every property owner of a real property, which exists as an unmaintained vacant lot, or which contains vacant or abandoned buildings, an annual registration and monitoring fee. The amount of this fee shall be established by City Council resolution based upon the reasonable cost of administering the program and conducting the monitoring activity. Such registration and monitoring fee shall accompany the registration packet submittal for each property being registered, and shall be valid for the calendar year, or remaining portion thereof, in which the registration was initially required. Registration fees will

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not be prorated. Subsequent registration renewals and fees are due January 1st of each year and must be received no later than January 31st of the year due.

H. Relief from requirements:

1. A real property which as of the effective date of this ordinance existed in a state of maintenance that complies with the provisions of this chapter shall be given relief from the requirements of this chapter upon a finding by the City's Code Enforcement Division that the property is being adequately maintained and that no violations exist upon or relative to the property. This relief is provisional and shall be rescinded upon a subsequent finding by the City's Code Enforcement Division that the property is in violation of this chapter.
2. A real property, existing as an unmaintained vacant lot or containing vacant or abandoned buildings, and not previously registered and maintained in accordance with the provisions of this chapter, shall, upon a finding of a violation of this chapter, first be provided with notice of opportunity to correct said violation as provided for in subsection (I) of this section.
3. A property owner of real property which is registered and maintained in accordance with the provisions of this chapter may seek relief from the requirements of this chapter by submitting a written request to the City's Code Enforcement Division. Such request for relief will be granted upon the making of findings by Code Enforcement staff that one of the following circumstances exist:
 - a. Within the preceding 18 consecutive months, no violations have occurred upon or relative to the property, and no active Notices of Default remain recorded against the real property; OR
 - b. Within the preceding 6 months, previously vacant buildings have been successfully maintained at a minimum tenancy level of 75%, with no

violations occurring upon or relative to the property and no active Notices of Default remaining recorded against the real property.

This relief is provisional and shall be rescinded upon a subsequent finding by the City's Code Enforcement Division that the property is again in violation of this chapter.

- I. Notice of violation. Upon a finding by the Code Enforcement Division that an unregistered property has fallen into a state of violation with the provisions of this chapter, notice will be issued to the property owner in the manner provided in section 1-30.030(C) of this code. Such notice will establish a 60-day compliance period within which time the violations upon the property must be resolved. Where the severity of violations so dictates, a shorter compliance period may be established at the discretion of the Code Enforcement Division. A failure to fully comply with a notice, or to subsequently allow any previously noticed property to return to any state of violation, shall subject the property to the registration requirements of this chapter.

9-24.030 Responsibility for Property Posting, Maintenance, Inspection, and Reporting.

- A. Every property owner, as defined by this chapter, is responsible for maintaining their property in accordance with the applicable standards as set forth in this Code and any other applicable regulation or law.
- B. All property owners of real properties which exist as unmaintained vacant lots, or which contain vacant or abandoned buildings subject to the registration requirements of this chapter shall have the obligation to perform an initial maintenance inspection within ten (10) days after becoming subject to the registration requirement, and to thereafter perform monthly maintenance inspections of the property to ensure that the property remains free of trespassers and in compliance with all applicable codes and regulations. Should the recurrence of continuing conditions of violation so dictate, the frequency of required inspections may be increased at the discretion of the Code

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Enforcement Division. Such maintenance inspections shall continue until the property is no longer subject to the registration requirement. Evidence of maintenance inspections in the form of brief written reports supported by date-stamped photographs shall be submitted to the Code Enforcement Division within ten (10) days of each monthly inspection. Such reports may be emailed. Extensions to the 10-day reporting requirement may be granted upon receipt by the Code Enforcement Division of a written request from the property owner at least 30 days prior to the report being due, and a subsequent finding of good cause to extend.

- C. To the extent authorized by law, and as provided for through the registration process, a code enforcement officer may enter onto each property as necessary to make inspections of the property and building exteriors. Upon request and 24 hours' notice by a code enforcement officer, the property owner shall provide access to building interiors to verify compliance with the provisions of this chapter.
- D. In the event a property owner resides outside of the County of Sonoma or is otherwise unable to personally fulfill the requirements of this chapter, the property owner's obligation to inspect the property shall be satisfied by contracting with an appropriate service provider or agent to inspect, maintain, and report on the registered property in accordance with this chapter. Should the property owner choose this option, they shall provide evidence of such contract to the City's Code Enforcement Division at the time of registration, or within 7 days of any change resulting in a requirement that a new or replacement service provider or agent be used. This service provider or agent shall be available 24 hours per day, seven days per week, for the purpose of responding within 1 hour to complaints regarding the condition of the registered property. The property owner shall remain responsible for any service provider's or agent's failure to meet the requirements of this chapter.
- E. All properties subject to the registration requirement shall be posted with signs stating, "No Trespassing." Such signs shall be no smaller than eight- and one-half

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inches (8½”) tall by eleven inches (11”) wide and shall consist of white lettering no smaller than one (1”) inch in height on a contrasting background. Such signs shall be weatherproof in design. Larger signs such as 2.5 feet by 3.5 feet may provide a greater level of deterrence and may, at the discretion of the Code Enforcement Division, be required where appropriate. Such signs shall contain the words, “NO TRESPASSING,” the California Penal Code Section(s) that apply to the property, and the name and phone number for the City’s Police Department. Such signs shall at a minimum be placed at each entrance to the real property and maintained in good condition at all times.

- F. All properties subject to the registration requirement shall also be posted with a sign providing the name and contact phone number of the property owner, or the service provider or agent of the property owner, responsible for the required inspection, maintenance, and reporting obligations. The sign shall be a minimum of 17” x 22” in size and shall consist of white lettering no smaller than one (1”) inch in height on a contrasting background. The sign shall be weatherproof in design. The sign shall provide the contact’s name and phone number, along with the words, “THIS PROPERTY MANAGED BY” and “TO REPORT PROBLEMS OR CONCERNS CALL” or similar words. The sign shall be placed at the front of the property in a conspicuous location and shall be maintained in good condition at all times.

9-24.040 Improvement Requirements.

- A. Unmaintained Vacant Lots. The property owner of any unmaintained vacant lot shall cause the lot to be cleaned and shall implement an active maintenance and monitoring schedule within thirty (30) days. Active maintenance and monitoring shall include:
- 1) Maintenance in good condition of grounds; perimeter fences or walls; and lighting if such exist;

- 2) Maintenance in good condition of perimeter landscaping and plant material if such exist;
 - 3) Regular removal of all accumulated trash; debris; litter; dead or overgrown weeds or vegetation; and graffiti;
 - 4) Prevention of unauthorized parking or storage of containers; vehicles or equipment; or parts thereof; and
 - 5) Prevention of criminal activity on the premises and trespass by unauthorized persons.
- B. Vacant or Abandoned Buildings. The property owner of any vacant or abandoned building shall commence rehabilitation for occupancy within thirty (30) days, unless one of the following applies:
- 1) The building is subject to, or becomes subject to, an active building permit authorizing repair or rehabilitation, and the property owner is progressing diligently to complete the repair or rehabilitation;
 - 2) The building meets all codes, is ready for occupancy, and, through the verifiable use of signage, current real estate listings, or other acceptable means, is actively being offered for sale, lease or rent; or
 - 3) The City's Code Enforcement Division determines that the building is registered pursuant to this chapter; and does not contribute to/is not likely to contribute to neighborhood blight because the property owner is actively maintaining and monitoring the building. Active maintenance and monitoring shall include:
 - a) Maintenance in good condition of accessory structures; parking areas; perimeter fences or walls; lighting; sign structures as applicable; and landscaping and plant material in weed-free condition;

- b) Maintenance in good condition of building exteriors so as to ensure structural safety and preservation of the physical integrity and appearance of the structure, including but not limited to paint and finishes; foundation; roof; windows; stairs; and decks;
- c) Regular removal of all dead or overgrown weeds or vegetation; exterior trash; debris; litter; and graffiti;
- d) Maintenance of the building and real property in compliance with all applicable codes and regulations;
- e) Prevention of criminal activity on the premises and trespass by unauthorized persons; and
- f) Securing of the interior of the building from entry by unauthorized persons; preservation of the interior from damage by the elements or plumbing leaks, and free from accumulations of garbage, other debris, and/or infestation by rodents, insects, or other pests.

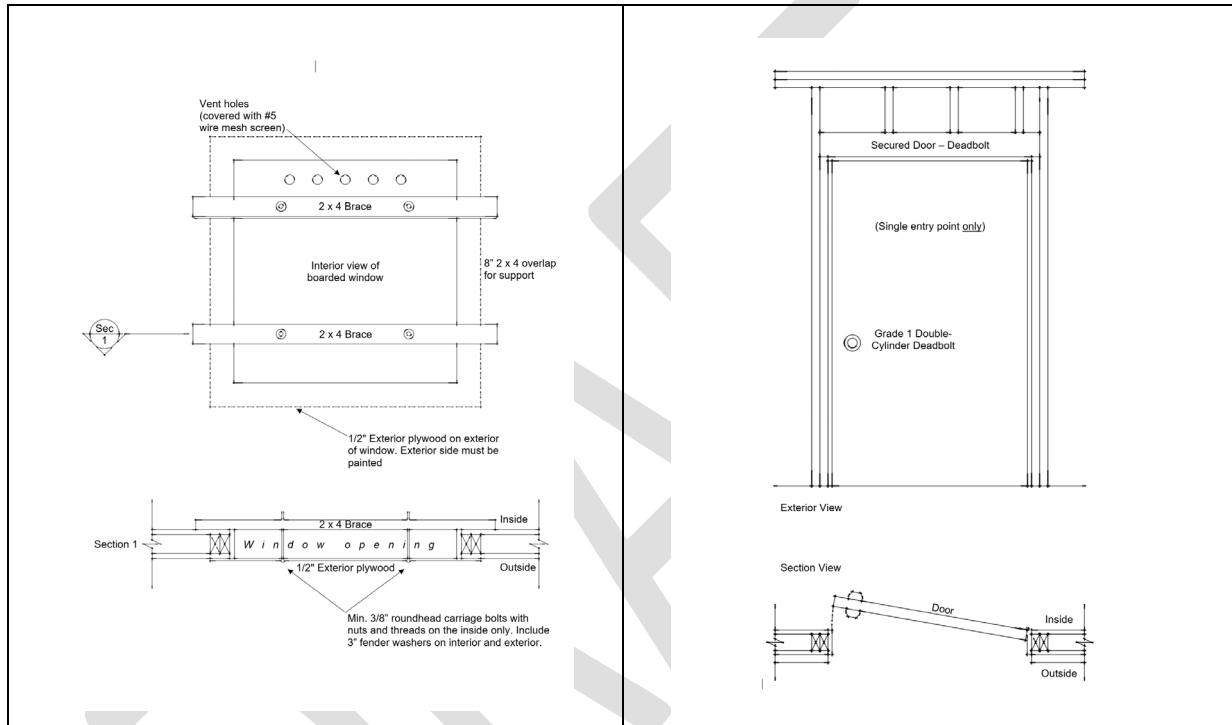
9-24.050 Securing From Trespassers.

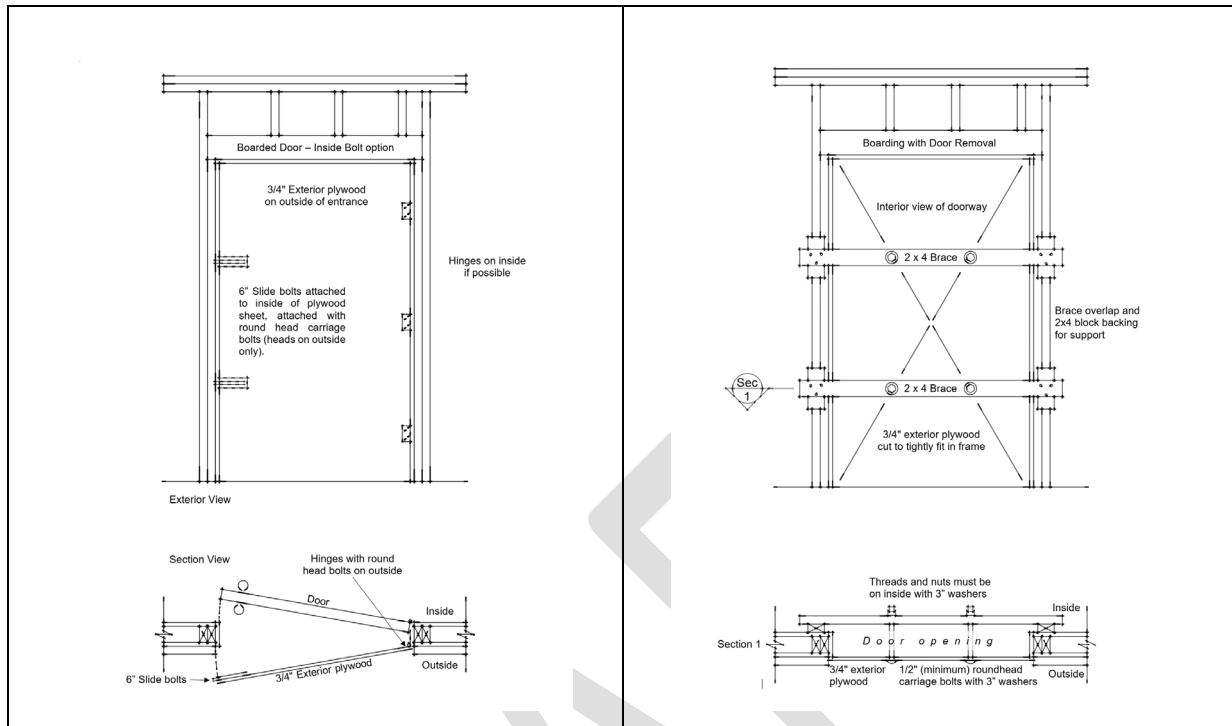
All real properties which exist as unmaintained vacant lots, or which contain vacant or abandoned buildings shall be secured against trespassing in the following manner:

- A. All doors and windows of building shall be in good, working condition and secured against unauthorized entry.
- B. All broken doors and windows shall be replaced or covered in a manner acceptable to and approved by the Code Enforcement Division.
- C. The Code Enforcement Division, in its discretion, may require securing the property in an approved manner to ensure adequate protection against unauthorized entry, or

by any other reasonable measures to prevent trespassers. These protections include, but are not limited to, plywood boarding of all windows and doors and/or the erection of fencing. Standards for plywood boarding shall be as follows:

1. Plywood boarding of all windows and doors shall be performed to FHA/HUD specifications, as shown in the following figures:





2. Specifications for Plywood Boarding

- a. Exterior Plywood shall be of un-sanded CDX grade;
- b. Plywood thickness shall be 1/2" for window openings, 5/8" for door openings and 3/4" for sliding door and French door openings. When extra-large window openings are encountered use 5/8" or 3/4" as necessary;
- c. All holes shall be drilled to accommodate round head carriage bolts. The holes in the top of the plywood should be 12" down from the top and 20% of the width of the plywood cover, in from the side;
- d. The holes in the bottom should be 25% of the height of the plywood, up from the bottom and the same distance in from the side as the top;
- e. Carriage bolts mated with nut and two three-inch flat washers as shown in the side view. Washers shall be of sufficient size to fully accept the square portion of bolt beneath the head. Bolt and mating hardware may be galvanized, or cadmium plated. 3/8" x 12" bolts should be supplied with each 2'8" door, 3'0"

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door, and glass sliding door cover. 3/8 x 10” bolts should be supplied with the rest;

- f. 2” x 4” lumber should be graded and should be a minimum of 16” longer than the width of the plywood cover. (Note: 2x4s shall be drilled with 1/2” diameter holes that line up with the holes in the plywood covers.);
- g. All windows and doors, except the front door (unless front door is missing), through which access to the interior of the dwelling is made, shall be secured. All window boards shall be cut to fit inside window openings with a maximum 1/8” clearance. The plywood covering shall be of one continuous piece when possible;
- h. All fabricated parts and ancillary materials become property of the property owner; and
- i. All coverings are to be fabricated according to the attached drawing and specifications.

3. Boarding Windows

- a. Except as noted below, all window sashes, frames, glass, and hardware are to be undamaged by the boarding installation;
- b. All screen inserts are to be removed, marked as to location, and stored within the building;
- c. In all cases where it is possible to adjust the position of the sashes to accommodate the specifications for boarding above, the sashes are to remain in the frame;
- d. In instances wherein the sashes cannot be adjusted to accommodate the boarding specifications above, the sashes shall be removed from the frames and stored within the building. This includes all stationary side- or top-lights secured by stops;
- e. In cases where in the sash cannot be removed and/or the frame is permanently built into the house and cannot be removed (i.e., Fenestra windows) it will be

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necessary to break the corner panes to accommodate the boarding and bolts. If the location of bolt holes in the plywood requires modification because of the muntin bar (a small bar that divides a windows glass), these locations are to be modified. In no case, in any type of window, is any sash or frame part to be damaged;

- f. In all instances where items should be removed from the frame and stored, each item shall be clearly marked as to the area from which it was removed;
- g. All items are to be stored on edge and braced to prevent accidental tipping, sliding, etc. In no instance is any item to be stored laid flat;
- h. Hinged windows are to be completely removed from the frame and stored as stated in (g) above. If possible the hinge pins are to be removed and remain with the removed item; and
- i. Faced nailing of panels to wood frame windows is specifically prohibited.

9-24.060 Enforcement; Violations

It shall be unlawful for any person to violate any provision of, or to fail to comply with any of the requirements of this chapter. Violations of this chapter may be enforced in any combination of remedies as outlined in Chapters 1-28 and 1-30, in addition to and cumulative of all other remedies, criminal or civil, which may be pursued by the City of Santa Rosa to address any violation of its ordinances.

It shall be a violation for any property owner to fail to register, or renew a registration for, or fail to maintain, a real property identified as being an unmaintained vacant lot or having vacant or abandoned buildings upon it, which exists in violation of this chapter. For purposes of this section, “register or renew” means to submit the requisite, fully completed registration packet within the required submittal time, accompanied by all required supporting documents and fees.

It shall be a violation of this chapter for any property owner to fail to conduct the required initial or monthly maintenance inspections or enhanced inspections as may be required for a registered

property; fail to post required signage; fail to timely submit the required evidence of inspection reports to the Code Enforcement Division; fail to correct nuisance conditions upon their property; or fail to secure their property from trespassers.

9-24.070 Appeals.

Any person aggrieved by any of the requirements of this section may appeal insofar as such appeal is permitted under Chapter 1-30.

9-24.080 Strict Liability Offenses.

Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, entity and/or corporation who violates any portion of this chapter shall be subject to prosecution and/or administrative enforcement under Chapter 1-30.

Section 3. Section 18-20.302.4 of the Santa Rosa City Code is amended to read as follows:

18-20.302.4 Weeds.

International Property Maintenance Code Section 302.4, paragraph one is amended to read as follows:

Section 302.4. Weeds. Weed and rubbish abatement shall be as set forth in Santa Rosa City Code Title 9, Health and Safety, Chapter [9-08](#), Weeds and Rubbish.

1. Premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches (6"). Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Trees, vegetation, or landscaping not otherwise subject to immediate abatement pursuant to this section shall not be allowed to remain upon the property for more than twenty-four consecutive hours if it:

- 1.1. is dead, decayed, diseased, dry, overgrown, uncultivated, hazardous;

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- 1.2. is likely to harbor such nuisances as vermin or rats;
- 1.3. is in a condition that causes visual blight, or reflects a lack of being maintained in an ongoing manner;
- 1.4. constitutes a fire or health hazard, or creates a threat to the public health or welfare;
- 1.5. is maintained with less than eight feet (8') of vertical clearance from sidewalks and fourteen feet (14') of vertical clearance from streets, or obscures official street or traffic signage; or consists of thorn or spine-bearing vegetation immediately adjacent to sidewalks in residential areas.

Section 4. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 6. Effective Date. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage.

This ordinance was introduced by the Council of the City of Santa Rosa on _____, 2023.

IN COUNCIL DULY PASSED AND ADOPTED this _____ day of _____, 2023.

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AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

City Clerk

APPROVED: _____

Mayor

APPROVED AS TO FORM: _____

City Attorney

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