



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Omar Passons

**SUBJECT:** Amendments to San José  
Municipal Code

**DATE:** June 4, 2025

Approved

Date:

6/4/2025

**COUNCIL DISTRICT:** Citywide

## SUPPLEMENTAL

### REASON FOR SUPPLEMENTAL

As part of City Council direction in the Mayor's March Budget Message for Fiscal Year 2025-2026, the City Attorney was directed to work with the City Manager to return to City Council by June 2025 to address (1) changes to existing ordinances to allow for efficient and effective enforcement to address harmful or unlawful conduct frequently witnessed on the streets and (2) new or amended ordinances to address gaps within our existing San José Municipal Code (SJMC) by adding other similar types of conduct frequently witnessed on our streets. To this end, the City Attorney's Office is bringing forward multiple new or amended ordinances to address the City Council's direction.<sup>1</sup>

This Supplemental Memorandum provides necessary context regarding operational considerations associated with these new and amended ordinances. This work was coordinated between the Administration and the City Attorney's Office to ensure alignment going forward.

### SUMMARY AND OUTCOME

This Supplemental Memorandum provides additional operational detail related to eight ordinances or ordinance amendments brought forward by the City Attorney in response to City Council direction outlined in the Mayor's March Budget Message for Fiscal Year 2025-2026. The focus of these proposed changes is to address specific conduct

<sup>1</sup> Mayor's March Budget Message, dated March 12, 2025:

<https://sanjose.legistar.com/View.ashx?M=F&ID=13923442&GUID=A89BE21A-9AE4-45D9-9903-324C77B96999>

frequently observed on City streets, in neighborhoods, and on both public and private property. These actions are behavior-based and apply regardless of an individual's housing status.

For each ordinance or amendment, this memorandum outlines:

- The type of conduct being addressed, and
- Implementation considerations, including whether enforcement will be immediate or phased based on departmental resources.

While most ordinances can be implemented under existing operations and staffing levels, several of them have limitations due to current resource constraints. Moreover, any enforcement of these ordinances will be subject to departmental prioritization and capacity. For example, certain higher priority violations may take precedence over these in departmental workflow (e.g., the Police Department prioritizes violent crime over non-violent crime, etc.). Some provisions brought forward by the City Attorney may also intersect with the City's Code of Conduct for Encampments, but these ordinances are fundamentally focused on conduct regardless of location, as distinguished from the encampment-specific Code of Conduct.

## **BACKGROUND**

The Mayor's March Budget Message for Fiscal Year 2025-2026, which was approved by City Council, directed the City Attorney and City Manager to propose ordinance amendments and new ordinances that improve the City's ability to address harmful or unlawful conduct, particularly that which is frequently observed on City streets. The goal was to close enforcement gaps in the SJMC and ensure that departments have clear legal tools to promote public safety, protect City property, and respond effectively to behaviors that undermine community well-being.

To implement this directive, the City Attorney's Office collaborated with an interdepartmental working group that included representatives from the Environmental Services Department (ESD), Housing Department, Parks, Recreation and Neighborhood Services Department (PRNS), Planning, Building and Code Enforcement Department (PBCE), Police Department (SJPD), Public Works Department, and Transportation Department (DOT). The proposed ordinances reflect this collaborative effort and are designed to enable more efficient and accountable enforcement of clear community norms and laws.

## **ANALYSIS**

The proposed changes to the SJMC address a range of conduct that can impact quality of life, damage property, or undermine safety, public health, and sanitation in public and private spaces. The conduct presents risk for all members of the public, including unhoused residents who are abiding by all applicable laws and City policies. The conduct to be addressed by each ordinance or amendment is summarized below. Each ordinance or amendment is accompanied by a brief explanation of departmental implementation considerations, including whether enforcement can proceed under current resource levels or will require future actions and if there are other limitations to consider.

### **A. Amendment to SJMC Section 10.20.140 Related to Trespass on Private Property**

***Conduct Addressed:*** Addresses unauthorized presence on private property, such as individuals obstructing storefronts or refusing to leave when asked by the property owner.

***Implementation:*** SJPD will enforce this ordinance under current operational conditions. However, police response is subject to the availability of on-duty personnel based on existing protocols examining call volume, call severity, and staffing levels. It should be noted that trespassing events are a lower priority than violent crimes, crimes against persons, or in-progress property crimes. SJPD is unable to implement investigations for cumulative trespassing within its current resources. Under the amendment, once a property owner or officer has admonished an individual that they are not welcome at a specified location, the officer will document the date and time of the admonishment in a police report. SJPD will then be able to enforce the ordinance upon any future incidence of that person returning to the property.

### **B. Amendment to SJMC Section 10.20.150 Related to Trespass on City Property**

***Conduct Addressed:*** Clarifies that individuals may not remain on public property after being lawfully directed to leave, enabling a more effective response to ongoing presence in parks, City buildings, or other facilities.

***Implementation:*** SJPD will enforce this ordinance under current operational conditions. However, police response is subject to the availability of on-duty personnel based on existing protocols examining call volume, call severity, and staffing levels. It should be noted that trespassing events are a lower priority than violent crimes, crimes against persons, or in-progress property crimes. SJPD is unable to implement investigations for cumulative trespassing within its current resources.

C. Amendment to SJMC Section 9.10.410 Related to Solid Waste and Trash Accumulation

**Conduct Addressed:** Targets persistent trash accumulation attributable to individuals or groups, particularly in and around encampments or encroached areas.

**Implementation:** SJPD will enforce this ordinance under current operational conditions. However, while this amendment strengthens enforcement tools, SJPD may face logistical limitations in identifying individual violators and issuing citations at scale. Effective use of this ordinance will depend on available staffing and cross-departmental coordination between ESD, PRNS-BeautifySJ, SJPD, and DOT, all of which may help ensure notice of the new ordinance and potential repercussions is communicated to people living in encampment locations – including notice to people living in vehicles – regarding the waste accumulation limitations in the public right of way.

D. Amendment to SJMC Section 11.36.220 Related to Storing Vehicles on Streets for 72-Hours

**Conduct Addressed:** Modifies restrictions related to the storage of vehicles on public streets by requiring that vehicles move a minimum distance of 1,000 feet every 72 hours.

**Implementation:** SJPD and DOT will enforce this ordinance under current operational conditions. This modification may further encourage vehicle circulation, however, enforcement by SJPD and DOT relies on visual markers like chalk marks or tire valve stem position to detect and document movement. Once a vehicle changes position, it will continue to be difficult to confirm how far it has traveled. Visual markers that remain undisturbed will confirm the vehicle remained stationary and that the vehicle is enforcement eligible. Further, restricting a vehicle's return to a specific location within a tight enforcement window is infeasible, regardless of available resources. It should be noted that the focused parking enforcement enhancements proposed in Manager's Budget Addendum #4, *Parking Enforcement Enhancements*, if adopted, will supplement this ordinance modification and provide additional opportunities to address and manage illegal parking challenges.

E. Amendment to SJMC Title 11 to Add Chapter 11.58 Related to Removal of Vehicles that Illegally Dump Solid Waste or Hazardous Material on Public Right-of-Way

**Conduct Addressed:** Authorizes the City to seize vehicles involved in illegal dumping activities, adding a strong deterrent to chronic dumping (including biowaste) violations.

**Implementation:** SJPD will enforce this ordinance under current operational conditions, however, this change requires interdepartmental coordination between ESD, PRNS-BeautifySJ, PBCE, SJPD, and DOT to identify and refer vehicles that SJPD will impound. Current SJPD operational constraints will limit frequency of enforcement.

Also, administrative citations have limitations to prevent these behaviors from reoccurring and require confirmation of the responsible party. Some operational ramp-up and legal coordination through the City Attorney's Office will be needed to manage the logistics of seizure, storage, and the legal process. Broader enforcement may be limited by towing capacity and storage space. In addition, the role of ESD, PRNS-BeautifySJ, PBCE, and DOT is one of educating the public about the ordinance and communicating violations that may be subject to impound by SJPD, but not the direct enforcement of this ordinance.

F. Amendment to SJMC Title 6 to add Chapter 6.48 Related to Rental of Recreational Vehicles

**Conduct Addressed:** Prohibits individuals from renting or leasing unsafe and unpermitted vehicles or structures (e.g., RVs, vans, or converted trailers) for use in habitation on public streets.

**Implementation:** SJPD will enforce this ordinance under current operational conditions, however, enforcement requires additional investigative capacity from SJPD and potentially support from other departments to notify SJPD of the existence of this practice. Identifying responsible parties and documenting transactions is likely to be challenging. Further, as this ordinance includes a provision for the vanlorded vehicle to be impounded, there are likely to be limitations and difficulties enforcing the portion applied to people living in the vehicle, as distinguished from unscrupulous vanlords themselves. As described in Manager's Budget Addendum #11, *Vanlording Enforcement*, it is expected that SJPD will only be able to investigate instances of vanlording on a very limited, pilot basis and only in reaction to learning of the practice, but not proactively seeking out such behavior. Investigations will require a participatory victim, which may be challenging to find.

G. Amendment to SJMC Title 10 to Add Chapter 10.52 Related to Illegal Possession and Transportation of Commercial Copper Wire

**Conduct Addressed:** Prohibits individuals from possessing copper wire without credible proof of ownership, targeting theft from City infrastructure and illegal resale.

**Implementation:** SJPD will begin enforcement when encountered in the field during other investigations or calls for service. SJPD is not able to begin proactive enforcement under current operational constraints. Challenges exist in proving lack of ownership. Public education and signage may be needed to complement enforcement. In the fall, SJPD will coordinate with DOT, scrap metal dealers, and regional partners as resources allow, which will strengthen deterrence.

H. Amendment to SJMC Title 17 to Add Chapter 17.39 Related to Maintenance of Vacant Lots

**Conduct Addressed:** This proposed ordinance would add a new code section addressing vacant (unimproved) lots, to complement current enforcement efforts targeting vacant buildings.

**Implementation:** This would be implemented via a phased approach and incorporated into the Neglected/Vacant Building and Storefront Program utilizing a registration and fee for service model. In the first half of the fiscal year, staff will conduct outreach, create new fees for City Council consideration, draft procedures, and create collateral materials prior to implementation. Staff expects to be able to begin enforcement of the proposed ordinance by December 2025. This would provide additional tools to ensure that private, vacant lots do not become chronically blighted, used as encampment sites, or create health and safety hazards such as harborage for vectors or fire risk.

**COST SUMMARY/IMPLICATIONS**

While there are no additional costs to establish the recommended ordinances, their enforcement is limited by available resources, as described above. A recommendation to add new fees to the Neglected/Vacant Building and Storefront Program to support the proposed Vacant Lot Ordinance will be brought forward for City Council consideration in the fall of 2025.

**COORDINATION**

This memorandum was prepared in coordination with the City Attorney's Office, City Manager's Budget Office, ESD, Housing, PRNS, PBCE, SJPD, Public Works, and DOT.



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