

9.37.090 - Nuisance defined.

It is hereby declared a public nuisance, or an act in the nature of a public nuisance, for any person or party to cause, permit, abet or otherwise allow any premises in this City to be used in such a manner that any one (1) or more of the activities or conditions described in the following Subsections are found to occur thereon:

- A. Any condition or activity which is a "nuisance" or a "public nuisance" as defined in Sections 3479 and 3480 of the Civil Code of the State of California or which is specifically declared to constitute a nuisance or public nuisance by any statute of the State of California or by any ordinance of the City.
- B. The violation of any provisions of the latest edition of the California Building Standards Code ("Title 24 of the California Codes of Regulations") that have been adopted, as amended, by the City:
 - 1. California Building Code;
 - 2. California Residential Code;
 - 3. California Electrical Code;
 - 4. California Mechanical Code;
 - 5. California Plumbing Code;
 - 6. California Energy Code;
 - 7. California Historical Building Code;
 - 8. California Fire Code;
 - 9. California Existing Building;
 - 10. California Green Building Standards Code;
 - 11. Uniform Housing Code.
- C. The violation of any provision of Title 18 (Buildings and Construction) or Title 21 (Zoning) of this Code.
- D. The operation or maintenance of any business, trade or profession in violation of Title 5 of this Code.
- E. The frequent gathering, or coming and going, of people who have an intent to purchase or use controlled substances on or at any premises in this City.
- F. Participation in a criminal street gang as proscribed by California Penal Code Section 186.22.

- G. The making or continuing, or causing to be made or continued, of any loud, unnecessary or unusual noise which disturbs the peace and quiet of the neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- H. The occurrence of criminal activity at any premises which threatens the life, health, safety or welfare of the residents of the premises, neighbors or the public.
- I. Buildings which are abandoned, boarded up, partially destroyed or left unreasonably in a state of partial construction.
- J. Overgrown vegetation causing detriment to neighboring properties or property values or which is likely to attract rodents, vermin or other pests, or which causes a hazardous condition to pedestrian and/or vehicular traffic.
- K. Premises including, but not limited to, building exteriors which are maintained in such condition as to become so defective, unsightly or in such condition of deterioration or disrepair that the same causes diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements. This includes, but is not limited to, the keeping and disposing of or the scattering over the property or premises of any of the following: (1) lumber, junk, trash or debris; (2) abandoned or discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers; (3) stagnant water or excavation(s); (4) any device, decoration, design, fence, structure, clothesline or vegetation which is unsightly by reason of its condition or inappropriate location; or (5) permitting or allowing any graffiti to remain on any building, wall fence or structure.
- L. The use of any premises for the purpose of illegal gambling, lewdness, assignation, or prostitution as proscribed by State law or this Code.
- M. The maintenance, use, rental or lease of any premises, or sub-unit thereof, including single-family dwellings, where persons are allowed to congregate, gather or loiter in such a manner as to disturb the peace of other persons lawfully on the property itself or lawfully in the vicinity of the property.
- N. The use of any premises for the purpose of unlawfully selling, serving, storing, keeping, manufacturing or giving away any controlled substance, precursor, or analog as those terms are defined by State law.
- O. Noise disturbances in violation of Chapter 8.80 of this Code.

- P. The sale, purchase or possession of marking pens or etching tools in violation of Chapter 9.57 of this Code.
- Q. The sale, purchase or possession of pressurized paint containers in violation of Chapter 9.56 of this Code.
- R. Loitering or loitering for drug activities or graffiti in violation of Chapter 9.36 or Chapter 9.58 of this Code.
- S. The discharge of any gun, compressed air gun, rifle, pistol or other firearm in violation of Chapter 9.62 of this Code.
- T. The violation of any provision of Title 12 (Oil Production Regulations) of this Code.
- U. Maintenance of properties or premises in such a manner as to cause substantial diminution of the enjoyment, use, or property values of adjacent properties.

(ORD-11-0012, § 2, 2011; Ord. C-7479 § 1, 1997)

9.37.100 - Notification of nuisance and abatement thereof.

- A. Whenever the City Manager or his authorized designee declares or finds that any nuisance activity or condition is being maintained or carried on at any premises in the City contrary to the provisions of this Chapter, the City Manager or his authorized designee shall give written "Notice of Abatement" to any and all responsible persons or parties setting forth a brief description of the activity or condition constituting the nuisance and the sections of this Chapter that are being violated.
- B. The notice shall set forth a reasonable time limit not to exceed thirty (30) days for correcting or abating the nuisance and may also set forth:
 - 1. Suggested methods of correction or abatement and the fact that the City will take steps to abate the nuisance if the person fails to do so; and
 - 2. That administrative penalties and/or administrative costs will be assessed against the responsible person in the event the nuisance activity or condition is not corrected or abated within the time frame established by the notice for correcting or abating the nuisance.
- C. Except in the case of an emergency situation wherein the nuisance condition or activity poses an immediate threat to the health, safety, or general welfare of the public, the time permitted for correction or abatement shall be at least fifteen (15) calendar days.
- D. The City Manager or his authorized designee may grant an extension of time to abate a nuisance if, in his/her opinion, good cause for an extension exists.

- E. The person or party who has been served with notice pursuant to this Section may, within seven (7) calendar days, make a written application to the City Manager or his authorized designee for a hearing on the question of whether a nuisance activity or condition in fact exists; whether the person to whom the notice was directed is responsible for the creation or maintenance of such nuisance; and whether the City Manager or his authorized designee has provided sufficient time to correct or abate the nuisance condition or activity.
- F. Upon receipt of a timely written application for hearing, the City Manager or his authorized designee shall establish the date and time of the hearing and shall so notify the applicant in writing. Failure to make timely application for a hearing as provided for in this Section shall be deemed a conclusive admission that: (1) the nuisance activity or condition described in the notification of nuisance does or did exist, (2) that the person (s) to whom the notice was directed is in fact the person(s) responsible for creating or maintaining the nuisance condition or activity, and (3) that the time specified in the notice for the correction or abatement of the nuisance is, in fact, reasonable under the circumstances.
- G. The hearing provided for in this Section shall be conducted by a Hearing Officer appointed by the City Manager or his authorized designee. At the time stated in the notice of hearing, the Hearing Officer shall hear and consider all relevant evidence, including, but not limited to, testimony from the applicant, owners, City personnel, neighbors, witnesses or other interested parties, and may consider staff reports or other written materials relative to the matter. The hearing may be continued from time to time as appropriate and the strict rules of evidence shall not apply. Proof of the existence of a nuisance condition or activity must be by a preponderance of the evidence and the burden of proof on this issue is upon the City.
- H. At the conclusion of the hearing, the Hearing Officer may confirm, amend or modify the "Notice of Abatement" or order, or extend the time for compliance. The decision of the Hearing Officer shall be final and conclusive. Written notice of the Hearing Officer's decision and findings shall be given and said notice shall state clearly and concisely the basis for the Hearing Officer's findings with respect to the existence of the nuisance activity or condition. The notice shall further state that unless the person or party shall cause the abatement of the nuisance activity or condition, pursuant to the orders

contained in the notice, the nuisance shall be abated, if appropriate, by the City at the expense of the owner, and that administrative penalties and/or costs will be assessed against the person for noncompliance with the order.

(Ord. C-7479 § 1, 1997)