
CITY OF SUSANVILLE
66 N. Lassen Street • Susanville CA
Wayne Jambois, Chair
Melanie Westbrook, Vice Chair
Linda Robinette • Jeremiah Sturgeon • Rod DeBoer

Susanville Planning Commission
Regular Planning Commission Meeting • City Council Chambers 66
N. Lassen Street, Susanville, CA 96130
Tuesday, April 26, 2022 - 6:30 PM

CALL TO ORDER
ROLL CALL

1. APPROVAL OF AGENDA:

2. BUSINESS FROM THE FLOOR:

3. CONSENT ITEMS:

3.A [Receive and file minutes of the April 12, 2022 minutes](#)

4. PUBLIC HEARINGS:

4.A [Consider Resolution 22-1094 approving the Issuance of an Abatement Order for 63 South Weatherlow Street](#)

4.B [Consider Resolution 22-1095 approving the issuance of an Abatement Order for 67 South Weatherlow Street](#)

4.C [Consider Resolution 22-1096 approving the issuance of an Abatement Order at 1540 Main Street](#)

5. NEW BUSINESS:

5.A [Conduct Administrative Appeals Hearing and Consider Resolution 22-1097 Recommendation to the City Council on Planning Commission Decision to Uphold or Cancel Administrative Citations.](#)

6. CORRESPONDENCE:

7. COUNTY REFERRALS:

8. ADJOURNMENT:

The Planning Commission's action on Use Permit (including Planned Development Use Permits) and Variance items may be appealed to the City Council within 5 business days of action. The Planning Commission's action on Tentative Subdivision items may be appealed to the City Council within 10 business days of action. Appeals of the Planning Commission's action must be made in writing on the form provided by the City and must be accompanied by a fee adopted by the City Council. Appeals of Planning Commission actions must be based on comments made known (either through written or verbal comment) at the Planning Commission Meeting. Please contact the Community Development Department for more information regarding appeals.

ACCESSABILITY: *An interpreter for the hearing-impaired may be made available upon request to the City Clerk seventy-two hours prior to a meeting. A reader for the vision-impaired for purposes of reviewing the agenda may be made available upon request to the City Clerk. The location of this meeting is wheelchair-accessible.*

SUSANVILLE PLANNING COMMISSION: *CHAIR PERSON: Wayne Jambois, COMMISSIONERS ~ Melanie Westbrook, Linda Robinette, Rod DeBoer and Jeremiah Sturgeon*

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Ruth McElrath, Building & Planning Division

Action Date: April 26, 2022

SUBJECT: Receive and file minutes of the April 12, 2022 minutes

PRESENTED BY: Ruth McElrath

SUMMARY: Staff is presenting minutes from the April 12, 2022 minutes

FISCAL IMPACT: None

ACTION REQUESTED: Receive and file minutes of the April 12, 2022 minutes

ATTACHMENTS:
[P.C. 4.12.22 minutes .pdf](#)

Susanville Planning Commission Minutes
April 12, 2022

Meeting called to order at 6:30 p.m.

1. ROLL CALL: Commissioner DeBoer, Commissioner Robinette, Commissioner Sturgeon, Vice Chair Westbrook and Chair Jambois.
2. PLEDGE:
3. APPROVAL OF THE AGENDA: Motion by Commissioner DeBoer, second by Commissioner Robinette to approve the agenda as submitted. Motion carries: Ayes: DeBoer, Robinette, Westbrook, Sturgeon and Jambois.
4. BUSINESS FROM THE FLOOR: None
5. CONSENT ITEMS:
 - 5.A. Receive and file minutes of the special November 30, 2021, and February 2, 2022, minutes.

Motion by Commissioner Deboer, second by Commissioner Sturgeon to approve the November 20, 2021, special minutes. Motion carries: Ayes: DeBoer, Sturgeon, Robinette, Westbrook, and Jambois.

Motion by Commissioner Westbrook, second by Commissioner Sturgeon to approve the special February 2, 2022, minutes. Motion carries; Ayes: Westbrook, Sturgeon, DeBoer and Jambois. Abstain: Robinette.
6. PUBLIC HEARING: Consider approval of Resolution No. 22-1092, Use Permit application to allow for an Emergency Shelter that would permit up to 49 people with nightly sleeping accommodations in an existing commercial building in a C-2 General Commercial/Shopping Center zoning district.

Public Hearing opened at 6:36 p.m.

Mr. Mumper explained this was the two-year progress report for Crossroads. The City Planning, Building and Fire Departments recently conducted an inspection on March 30, 2022. There have been zero complaints or calls for services to-date. During the inspection, staff did find one issue with an extension cord coming from the ceiling needing to be housed and put in a receptacle.

Mr. Mumper added the City applied for three grants offered through COVID relief funding and was awarded the Public Services application, which will be used to purchase a walk-in freezer for Crossroads.

Concluding his report, Mr. Mumper stated it is staff's recommendation to approve Resolution 2022-1092.

Cheri Farrell, Crossroads Director, said in 2021, there were 212 unduplicated people who stayed in the shelter and equaled 2,893 bed nights. Crossroads does not just provide shelter, but offers a place to shower, do laundry and get meals.

Out of the 212 people who stayed in the shelter, 51 people have obtained permanent housing and Ms. Farrell complimented the County housing department for its assistance. Since January 2022, to date, there have been 88 unduplicated people who have stayed in the shelter.

Ms. Farrell thanked the Commission for the last two years and explained they have made new policies to better services and provide better care for those coming in on a transient basis.

Andy Shively shared his story of how Crossroads Ministries gave him a second chance and success does come from it.

A second man told his story of homelessness and how he went through a Crossroads program, found housing and is involved in several community groups.

Russ Bates spoke of how Crossroads helped him and that it provides a service no other place provides. He encouraged the Use Permit be made permanent as Crossroads has proven itself.

Mike Hernandez, Crossroads' registered alcohol and drug technician, also urged the Use Permit be made permanent and stated it would be honored and respected.

Public Hearing closed at 7:10 p.m.

There was some discussion regarding the Resolution and Mr. Mumper explained the six-month progress report had been removed. However, being a Use Permit, staff has the authority to bring the applicant back to any special or regularly scheduled meeting at the direction of staff or request of the Planning Commission. Due to how well the applicant has done at each of the milestones, it was going to be a little much to keep bringing them back every six months.

Commissioner DeBoer said he has never seen anything negative that he had to bring attention to the authorities, and he is 100 percent for the Resolution.

Chair Jambois said he has watched Crossroads grow and become more of an influence in this town and he is glad to see the impact it makes on peoples' lives. People come into unfortunate circumstances in their life, and he has seen some remarkable transformations. He commented about a specific city that removes homeless people when they show up, but it doesn't take care of the problem.

Motion by Commissioner DeBoer, second by Commissioner Robinette to approve Resolution 22-1092. Motion carries: Ayes: DeBoer, Robinette, Sturgeon, Westbrook, and Jambois.

7. NEW BUSINESS: None

8. CORRESPONDENCE: None

9. COUNTY REFERRALS: None

There was general discussion regarding code enforcement, the upcoming meetings schedule and a question about changing the Planning Commission meeting to 5:30 p.m.

Motion to adjourn: Motion by Commissioner Robinette, second by Commissioner Sturgeon to adjourn at 7:37 p.m.

ADJOURNMENT:

Signed, Chair Wayne Jambois

Respectfully submitted by,

Ruth McElrath, Building Permit Technician

Heidi Whitlock, City Clerk

Approved On:

AGENDA ITEM NO. 4.A
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: April 26, 2022

SUBJECT: Consider **Resolution 22-1094** approving the Issuance of an Abatement Order for 63 South Weatherlow Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The structure located at 63 South Weatherlow Street suffered damage related to an early morning commercial structure fire on March 14, 2019. The fire caused major structural damage to the building. The structure was declared a Dangerous Building and subsequently a public nuisance pursuant to the Susanville Municipal Code. Chapter 8.32 of the Susanville Municipal Code provides the City of Susanville with the framework to address public nuisances existing upon properties within the City of Susanville. The City of Susanville is following the outlined procedures and is seeking a Nuisance Abatement Order to compel the property owners to abate their property of declared nuisances.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to approve Resolution **22-1094** approving the Issuance of an Abatement Order.

ATTACHMENTS:
[Staff Report 63 S Weatherlow St Abatement.pdf](#)
[Resolution 22-1094.pdf](#)

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
April 26, 2022

FILE NUMBER	CE#2020-003		
OWNER	Ricardo & Susan Pellicer		
REQUEST	Issuance of an Abatement Order for a fire damaged structure.		
ASSESSOR'S PARCEL NO.	103-330-018-000		
LOCATION	63 South Weatherlow Street		
EXISTING ZONING	C-2 Commercial: General/Shopping Center		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	C-2	Commercial
	South	C-2	Commercial
	East	PF	Public Facilities: Lassen High School
	West	UBD	Commercial
GENERAL PLAN DESIGNATION	Commercial: General Commercial/Shopping Center		

BACKGROUND:

The structure located at 63 South Weatherlow Street suffered damage related to an early morning commercial structure fire on March 14, 2019. The fire caused major structural damage to the building. The structure was deemed to be a Dangerous Building and subsequently a public nuisance pursuant to our code. Prior to the incident that occurred on March 14, 2019, the City of Susanville has been attempting to gain compliance from the property owners regarding their structure.

According to the case file the following letters have been sent to the property owners notifying the existence of a nuisance and requested the abatement of said nuisance.

- March 21, 2014, a Notice of Nuisance issued by Craig Sanders, City Planner
- May 28, 2015, a Notice of Nuisance issued by Craig Sanders, City Planner
- April 28, 2016, a Notice of Nuisance issued by Craig Sanders, City Planner
- June 1, 2020, a Notice of Violation issued by Kelly Mumper, City Planner
- September 1, 2020, a Notice of Violation issued by Kelly Mumper, City Planner

- September 1, 2021, a Notice of Violation and Declaration of Dangerous Building issued by Cody Loflin, Code Enforcement Officer
- October 1, 2021, a Notice of Violation issued by Cody Loflin, Code Enforcement Officer
- February 7, 2022, a Notice of Violation issued by Cody Loflin, Code Enforcement Officer
- February 10, 2022, a letter from the contracted attorney's office, Margret Long, City Attorney
- March 29, 2022, a Notice of Intention to Abate Public Nuisance & Notice of Public Hearing issued by Cody Loflin, Code Enforcement Officer

ANALYSIS:

Susanville Municipal Code § 15.10.010 defines a dangerous building as a building falling with the provisions of the California Building Code and 1997 Uniform Code for the Abatement of Dangerous Buildings, or within the definition of a substandard building under the provisions of the California Building Code, which, in addition thereto, presents an immediate and imminent threat to public safety. Such threat may arise by virtue of numerous circumstances such as, but not limited to, substantial risk of collapse or danger of fire. Susanville Municipal Code § 15.10.050 declares a dangerous structure to be a public nuisance.

Susanville Municipal Code § 8.32.040 states that no person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance.

In addition to the declaration of a public nuisance based on the fact the building has been declared a dangerous building, Susanville Municipal Code § 8.32.050 further defines conditions that can be declared a public nuisance. The condition of the property in addition to the structure is further declared to be a public nuisance as followed:

- 8.32.050 (A)(2) SMC: A substandard building or a dangerous building or structure maintained in violation of the housing regulation or dangerous building regulations adopted by or pursuant to this code.
- 8.32.050(A)(5) SMC: Dangerous buildings as defined and regulated in Chapter 15.10 of this code.
- 8.32.050(C)(2) SMC: A condition of real property or building, structure, improvement, or other thing on real property that is unsightly and by reason thereof, contributes to a diminution in the value of surrounding properties when visible from a public right-of-way or alley, including, but not limited to, an abandoned and dilapidated building or portion of a building.
- 8.32.050(C)(4) SMC: A condition of real property or building, structure, improvement, or other thing on real property that is unsightly and by reason thereof, contributes to a diminution in the value of surrounding properties when visible from a public right-of-way or alley, including, but not limited to, the maintenance of property in the city in violation of Chapter 8.52 of this code.
- 8.52.030(A)(3) SMC: Fences or walls which are in a hazardous condition, which

are in disrepair, or which hinder free access to public sidewalks or rights-of-way or are maintenance such a condition to have a tendency to degrade the appearance and property values of surrounding property. All fencing, including gates shall be maintained in sound condition free of damage, breaks, or missing structural members. Areas that are leaning, buckling, sagging, or deteriorating shall be repaired or replaced with material compatible with the undamaged portions of the fence. Where fencing has been painted and it shall be maintained and kept free of chipping, peeling, scaling or missing paint.

- 8.52.030 (E) SMC: Storage or scattering over any portion of the property of any of the following:
 - 1. Debris, rubbish, rubble, construction debris, litter or trash which is not stored in trash receptacles, or which is scattered and blowing onto adjacent public or private property;
 - 2. Abandoned, broken, wrecked, inoperable or discarded household or office furnishings, housewares, appliances, electronic equipment or devices, machines and tools or similar objects of equipment;
 - 3. Abandoned, broken, wrecked, inoperable or discarded personal effects, including, but not limited to, books, magazines, newspapers, papers, knickknacks, ornamental objects, clothing or similar articles;
 - 4. Outdoor storage of usable building materials for more than one hundred eighty (180) days, except where construction or remodeling is occurring under a valid permit or as may be permitted by the zoning classification of the property. The material shall be stored in a neat and orderly manner so as not to create a health or fire hazard;
 - 5. Outdoor storage or scattering of cardboard, newspaper, magazines, scrap metal, tin, wire, aluminum, plastic or glass containers, except within approved refuse or recycling containers or as may be permitted by this code or the zoning classification of the property;
 - 6. Abandoned, inoperative, wrecked, or dismantled vehicles or parts thereof in violation of Chapter 10.22 of this code;
 - 7. Outdoor storage or scattering of materials, equipment or other items on residentially used property, which is not typically associated with such use, which is inconsistent with the zoning classification of the property and which creates a fire hazard or health hazard or which is otherwise injurious or potentially injurious to the public health, safety and welfare;
 - 8. Excessive accumulation of animal waste or the presence of any animal carcass.
- 8.52.030 (M) SMC: Maintenance of buildings, structures or premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code 3480 or other applicable law.

Chapter 8.32 of the Susanville Municipal Code outlines the process relating to the administrative abatement of public nuisance within the City of Susanville. The Planning Commission of the City of Susanville is tasked as the hearing body and may issue an Abatement Order directing the abatement of the property and to the assessment of civil penalties for failure to abate public nuisance as prescribed within this public hearing.

RECOMMENDATION:

Motion to Approve issuance of a Nuisance Abatement Order directing the property owners to abate all public nuisances upon the property prior to a date specified by the Planning Commission. In addition to a Nuisance Abatement Order, approve the issuance of civil penalties for the failure to abate declared nuisance by a prescribed time as directed by the Susanville Planning Commission.

ATTACHMENTS:

Attachments are listed in the Exhibit List that follows this Staff Report.

RESOLUTION NO. 22-1094
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 63
SOUTH WEATHERLOW STREET.

WHEREAS, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance and providing for the collection of civil penalties; and

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 on June 7, 2017, that declares what constitutes a nuisance, and adopted Chapter 8.32 of the Susanville Municipal Code to outline the procedures for abating nuisance conditions and for the collection of civil penalties; and

WHEREAS, the commercial structure located at 63 South Weatherlow Street suffered major structural damage as a result of a commercial structure fire on March 14, 2019 and subsequently was declared to be a dangerous building and public nuisance; and

WHEREAS, the Susanville Planning Commission, at a public meeting held during its regular meeting of April 26, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the issuance of a nuisance abatement order and the assessment of civil penalties for violation of said order based on the following findings of facts:

- A. The condition of real property upon the lands of 63 South Weatherlow are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Ricardo and Susan Pellicer are the owners of record for the property of 63 South Weatherlow Street.
- C. The City of Susanville find that a public nuisance exists upon the land and find the property owners to be responsible for the abatement of the public nuisance.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves a Nuisance Abatement Order for 63 South Weatherlow Street subject to the terms, agreements, and conditions as follows:

- 1. In the opinion of the Building Official for the City of Susanville, the conditions of the building are irreparable, and demolition must commence no later than thirty (30) days from the date of the approved order; and
- 2. The demolition of the building shall be completed no later than sixty (60) days from the date of this order; and
- 3. A demolition permit must be obtained from the City of Susanville prior to the commencement of the demolition; and
- 4. Failure to commence demolition of this building within the prescribed thirty (30) days of this order or failure to complete the demolition of this building within sixty (60) days, the property owner shall be assessed a daily civil penalty in the amount of \$100 per day and shall be assessed from the date of the issuance of the Notice of Violation on February 7, 2022; and
- 5. The daily accrual of any civil penalty shall cease when the conditions of this

abatement order are fully complied with.

6. The property owner will comply with all provisions of the Susanville Municipal Code and will remove all debris from the property at the conclusion of the demolition work.
7. The property owner will comply with all provisions of the Susanville Municipal Code and will refrain from any other violations of the Susanville Municipal Code in a 12-month period.

APPROVED: _____
Wayne Jambois, Chairperson
Planning Commission

ATTEST: _____
Heidi Whitlock, City Clerk
Secretary to the Planning Commission

The foregoing Resolution No. 22-1094 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 26th day of April 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

AGENDA ITEM NO. 4.B
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: April 26, 2022

SUBJECT: Consider **Resolution 22-1095** approving the issuance of an Abatement Order for 67 South Weatherlow Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The structure located at 67 South Weatherlow Street suffered damage related to a commercial structure fire on May 24., 2020. The fire caused major structural damage to the building. The structure was declared a Dangerous Building and subsequently a public nuisance pursuant to the Susanville Municipal Code. Chapter 8.32 of the Susanville Municipal Code provides the City of Susanville with the framework to address public nuisances existing upon properties within the City of Susanville. The City of Susanville is following the outlined procedures and is seeking a Nuisance Abatement Order to compel the property owners to abate their property of declared nuisances.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to Approve **Resolution 22-1095** approving the issuance of an abatement order.

ATTACHMENTS:
[Staff Report 67 S Weatherlow St Abatement.pdf](#)
[Resolution 22-1095.pdf](#)

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
April 26, 2022

FILE NUMBER	CE#2020-002		
OWNER	Roland & Joanna Zimmerman		
REQUEST	Issuance of an Abatement Order for a fire damaged structure.		
ASSESSOR'S PARCEL NO.	103-330-017-000		
LOCATION	67 South Weatherlow Street		
EXISTING ZONING	C-2 Commercial: General/Shopping Center		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	C-2	Commercial
	South	C-2	Commercial
	East	PF	Public Facilities: Lassen High School
	West	UBD	Commercial
GENERAL PLAN DESIGNATION	Commercial: General Commercial/Shopping Center		

BACKGROUND:

The structure located at 67 South Weatherlow Street suffered damage related to an early morning commercial structure fire on May 24, 2020. The fire caused major structural damage to the building. The structure was deemed to be a Dangerous Building and subsequently a public nuisance pursuant to our code. Prior to the incident that occurred on May 24, 2020, the City of Susanville has been attempting to gain compliance from the property owners regarding their structure.

According to the case file the following letters have been sent to the property owners notifying the existence of a nuisance and requested the abatement of said nuisance.

- June 1, 2020, a Notice of Violation issued by Kelly Mumper, City Planner
- December 16, 2020, a Notice of Violation issued by Kelly Mumper, City Planner
- February 7, 2022, a Notice of Violation issued by Cody Loflin, Code Enforcement Officer
- March 29, 2022, a Notice of Intention to Abate Public Nuisance & Notice of Public Hearing issued by Cody Loflin, Code Enforcement Officer

ANALYSIS:

Susanville Municipal Code § 15.10.010 defines a dangerous building as a building falling with the provisions of the California Building Code and 1997 Uniform Code for the Abatement of Dangerous Buildings, or within the definition of a substandard building under the provisions of the California Building Code, which, in addition thereto, presents an immediate and imminent threat to public safety. Such threat may arise by virtue of numerous circumstances such as, but not limited to, substantial risk of collapse or danger of fire. Susanville Municipal Code § 15.10.050 declares a dangerous structure to be a public nuisance.

Susanville Municipal Code § 8.32.040 states that no person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance.

In addition to the declaration of a public nuisance based on the fact the building has been declared a dangerous building, Susanville Municipal Code § 8.32.050 further defines conditions that can be declared a public nuisance. The condition of the property in addition to the structure is further declared to be a public nuisance as followed:

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- 8.32.050(A)(5) SMC: Dangerous buildings as defined and regulated in Chapter 15.10 of this code.
- 8.32.050(C)(2) SMC: A condition of real property or building, structure, improvement, or other thing on real property that is unsightly and by reason thereof, contributes to a diminution in the value of surrounding properties when visible from a public right-of-way or alley, including, but not limited to, an abandoned and dilapidated building or portion of a building.
- 8.32.050(C)(4) SMC: A condition of real property or building, structure, improvement, or other thing on real property that is unsightly and by reason thereof, contributes to a diminution in the value of surrounding properties when visible from a public right-of-way or alley, including, but not limited to, the maintenance of property in the city in violation of Chapter 8.52 of this code.
- 8.52.030(A)(3) SMC: Fences or walls which are in a hazardous condition, which are in disrepair, or which hinder free access to public sidewalks or rights-of-way or are maintenance such a condition to have a tendency to degrade the appearance and property values of surrounding property. All fencing, including gates shall be maintained in sound condition free of damage, breaks, or missing structural members. Areas that are leaning, buckling, sagging, or deteriorating shall be repaired or replaced with material compatible with the undamaged portions of the fence. Where fencing has been painted and it shall be maintained and kept free of chipping, peeling, scaling or missing paint.
- 8.52.030 (E) SMC: Storage or scattering over any portion of the property of any of the following:

- 1. Debris, rubbish, rubble, construction debris, litter or trash which is not stored in trash receptacles, or which is scattered and blowing onto adjacent public or private property;
- 2. Abandoned, broken, wrecked, inoperable or discarded household or office furnishings, housewares, appliances, electronic equipment or devices, machines and tools or similar objects of equipment;
- 3. Abandoned, broken, wrecked, inoperable or discarded personal effects, including, but not limited to, books, magazines, newspapers, papers, knickknacks, ornamental objects, clothing or similar articles;
- 4. Outdoor storage of usable building materials for more than one hundred eighty (180) days, except where construction or remodeling is occurring under a valid permit or as may be permitted by the zoning classification of the property. The material shall be stored in a neat and orderly manner so as not to create a health or fire hazard;
- 5. Outdoor storage or scattering of cardboard, newspaper, magazines, scrap metal, tin, wire, aluminum, plastic or glass containers, except within approved refuse or recycling containers or as may be permitted by this code or the zoning classification of the property;
- 6. Abandoned, inoperative, wrecked, or dismantled vehicles or parts thereof in violation of Chapter 10.22 of this code;
- 7. Outdoor storage or scattering of materials, equipment or other items on residentially used property, which is not typically associated with such use, which is inconsistent with the zoning classification of the property and which creates a fire hazard or health hazard or which is otherwise injurious or potentially injurious to the public health, safety and welfare;
- 8. Excessive accumulation of animal waste or the presence of any animal carcass.
- 8.52.030 (M) SMC: Maintenance of buildings, structures or premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code 3480 or other applicable law.

Chapter 8.32 of the Susanville Municipal Code outlines the process relating to the administrative abatement of public nuisance within the City of Susanville. The Planning Commission of the City of Susanville is tasked as the hearing body and may issue an Abatement Order directing the abatement of the property and to the assessment of civil penalties for failure to abate public nuisance as prescribed within this public hearing.

RECOMMENDATION:

Motion to Approve issuance of a Nuisance Abatement Order directing the property owners to abate all public nuisances upon the property prior to a date specified by the Planning Commission. In addition to a Nuisance Abatement Order, approve the issuance of civil penalties for the failure to abate declared nuisance by a prescribed time as directed by the Susanville Planning Commission.

ATTACHMENTS: Attachments are listed in the Exhibit List that follows this Staff Report.

RESOLUTION NO. 22-1095
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 67
SOUTH WEATHERLOW STREET.

WHEREAS, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance and providing for the collection of civil penalties; and

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 on June 7, 2017, that declares what constitutes a nuisance, and adopted Chapter 8.32 of the Susanville Municipal Code to outline the procedures for abating nuisance conditions and for the collection of civil penalties; and

WHEREAS, the commercial structure located at 67 South Weatherlow Street suffered major structural damage as a result of a commercial structure fire on May 24, 2020, and subsequently was declared to be a dangerous building and public nuisance; and

WHEREAS, the Susanville Planning Commission, at a public meeting held during its regular meeting of April 26, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the issuance of a nuisance abatement order and the assessment of civil penalties for violation of said order based on the following findings of facts:

- A. The condition of real property upon the lands of 67 South Weatherlow are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Roland and Joanna Zimmerman are the owners of record for the property of 67 South Weatherlow Street.
- C. The City of Susanville find that a public nuisance exists upon the land and find the property owners to be responsible for the abatement of the public nuisance.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves a Nuisance Abatement Order for 67 South Weatherlow Street subject to the terms, agreements, and conditions as follows:

- 1. In the opinion of the Building Official for the City of Susanville, the conditions of the building are irreparable, and demolition must commence no later than thirty (30) days from the date of the approved order; and
- 2. The demolition of the building shall be completed no later than sixty (60) days from the date of this order; and
- 3. A demolition permit must be obtained from the City of Susanville prior to the commencement of the demolition; and
- 4. Failure to commence demolition of this building within the prescribed thirty (30) days of this order or failure to complete the demolition of this building within sixty (60) days, the property owner shall be assessed a daily civil penalty in the amount of \$100 per day and shall be assessed from the date of the issuance of the Notice of Violation on February 7, 2022; and
- 5. The daily accrual of any civil penalty shall cease when the conditions of this

abatement order are fully complied with.

6. The property owner will comply with all provisions of the Susanville Municipal Code and will remove all debris from the property at the conclusion of the demolition work.
7. The property owner will comply with all provisions of the Susanville Municipal Code and will refrain from any other violations of the Susanville Municipal Code in a 12-month period.

APPROVED: _____
Wayne Jambois, Chairperson
Planning Commission

ATTEST: _____
Heidi Whitlock, City Clerk
Secretary to the Planning Commission

The foregoing Resolution No. 22-1095 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 26th day of April 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: April 26, 2022

SUBJECT: Consider **Resolution 22-1096** approving the issuance of an Abatement Order at 1540 Main Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: There have been multiple attempts made to seek voluntary compliance in the removal of graffiti from the southern exterior wall and the adjacent signpost. The City of Susanville Code Enforcement Officer has attempted to seek compliance in the form of letters and administrative citations to no avail. Graffiti has been classified as a public nuisance pursuant to Ordinance 17-1011. The City of Susanville seeks a Nuisance Abatement Order providing a final attempt to gain compliance from the property owner prior to performing the work with city staff.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to Approve **Resolution 22-1096** approving the issuance of an Abatement Order.

ATTACHMENTS:
[Staff Report 1540 Main St Abatement.pdf](#)
[Resolution 22-1096.pdf](#)

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
April 26, 2022

FILE NUMBER	CE#2021-028		
OWNER	Ryan R. Potter		
REQUEST	Issuance of an Abatement Order for a property maintenance violation, specifically, graffiti.		
ASSESSOR'S PARCEL NO.	105-210-042-000		
LOCATION	1540 Main Street		
EXISTING ZONING	C-2 Commercial: General/Shopping Center		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	C-2	Commercial
	South	C-2 R-1	Commercial Residential
	East	C-2	Commercial
	West	C-2	Commercial
GENERAL PLAN DESIGNATION	Commercial: General Commercial/Shopping Center		

BACKGROUND:

On April 29, 2021, a Notice of Public Nuisance was issued to the property owner regarding graffiti present on his commercial building. The words "Free Temper" were written in black spray paint on the southern facing exterior wall. Additionally, the black metal sign post adjacent to the building had the words "Olga is a bad bitch" and "Free Temper" spray painted on the sign. The Notice of Public Nuisance declared the graffiti to be a public nuisance pursuant to the Susanville Municipal Code.

On October 28, 2021, a Notice of Violation was issued to the property owner regarding the graffiti as mentioned in the Notice of Public Nuisance.

On February 9, 2021, a Notice of Violation and Issuance of an Administrative Citation was served, by mail, to the property owner regarding the continual allowance of the graffiti on the property. The fine assessed was \$100 for the first violation of the Susanville Municipal Code.

On February 22, 2021, the appeal window, and the deadline to pay the

administrative citation had passed without an appeal being filed by the property owner and without payment of the fine. The administrative citation was placed into a delinquent status for future collection attempts or the issuance of a lien or special assessment upon the property.

On April 6, 2022, the Notice of Intention to Abate and Notice of Public Hearing was served, by mail and physical posting, on the property owner.

ANALYSIS:

Susanville Municipal Code § 8.32.040 states that no person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance.

Susanville Municipal Code § 8.32.050(C)(4) defines a public nuisance to that of a condition of real property or building, structure, improvement, or other thing on real property that is unsightly and by reason thereof, contributes to a diminution in the value of surrounding properties when visible from a public right-of-way or alley, including, but not limited to, the maintenance of property in the city in violation of Chapter 8.52 of this code.

Specifically, Susanville Municipal Code § 8.52.030 (I) which states, “to allow or permit graffiti to remain on any building, fence, wall, structure, sign, or vehicle when visible to the public street, highway, right-of-way or public place for more than one week. For the purpose of this section, “graffiti” means any unauthorized inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn or painted on any surface in violation of this code or other state law.”

Chapter 8.32 of the Susanville Municipal Code outlines the process relating to the administrative abatement of public nuisance within the City of Susanville. The Planning Commission of the City of Susanville is tasked as the hearing body and may issue an Abatement Order directing the abatement of the property and to the assessment of civil penalties for failure to abate public nuisance as prescribed within this public hearing.

RECOMMENDATION:

Motion to Approve issuance of a Nuisance Abatement Order directing the property owners to abate all public nuisances upon the property prior to a date specified by the Planning Commission. In addition to a Nuisance Abatement Order, approve the issuance of civil penalties for the failure to abate declared nuisance by a prescribed time as directed by the Susanville Planning Commission.

ATTACHMENTS: Attachments are listed in the Exhibit List that follows this Staff Report.

RESOLUTION NO. 22-1096
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 1540
MAIN STREET.

WHEREAS, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance and providing for the collection of civil penalties; and

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 on June 7, 2017, that declares what constitutes a nuisance, and adopted Chapter 8.32 of the Susanville Municipal Code to outline the procedures for abating nuisance conditions and for the collection of civil penalties; and

WHEREAS, the continued allowance of graffiti on the commercial structure and adjacent sign post located at 1540 Main Street was declared to be a public nuisance; and

WHEREAS, the Susanville Planning Commission, at a public meeting held during its regular meeting of April 26, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves the issuance of a nuisance abatement order and the assessment of civil penalties for violation of said order based on the following findings of facts:

- A. The condition of real property upon the lands of 1540 Main Street are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Ryan Potter is the owner of record for the property of 1540 Main Street.
- C. The City of Susanville find that a public nuisance exists upon the land and find the property owners to be responsible for the abatement of the public nuisance.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves a Nuisance Abatement Order for 1540 Main Street subject to the terms, agreements, and conditions as follows:

- 1. The graffiti on the southern exterior wall and the adjacent metal signpost shall be abated within ten (10) days of this order.
- 2. Failure to abate the public nuisance, the property owner shall be assessed a daily civil penalty in the amount of \$25 per day and shall be assessed from the date of the issuance of the Notice of Violation and Issuance of Administrative Citation pursuant to Chapter 8.40 SMC on February 9, 2022; and
- 3. The daily accrual of any civil penalty shall cease when the conditions of this abatement order are fully complied with.
- 4. The property owner will comply with all provisions of the Susanville Municipal Code and will refrain from any other violations of the Susanville Municipal Code in a 12-month period.

APPROVED: _____
Wayne Jambois, Chairperson
Planning Commission

ATTEST: _____

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

The foregoing Resolution No. 22-1096 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 26th day of April 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

AGENDA ITEM NO. 5.A
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: April 26, 2022

SUBJECT: Conduct Administrative Appeals Hearing and Consider **Resolution 22-1097** Recommendation to the City Council on Planning Commission Decision to Uphold or Cancel Administrative Citations.

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: City of Susanville Administrative Citations COS2022-0003, COS2022-0004, COS2022-0005, COS2022-0006, COS2022-0007, COS2022-0008, COS2022-0009, COS2022-0010, COS2022-0011, COS2022-0012 were issued on February 24, 2022 relating to violations of the Susanville Municipal Code on properties in control of the Tezak Family Trust. William Tezak has identified himself as an agent of the Tezak Family Trust and has taken on the responsibility to address the citations.

On March 16, 2022, a written request was received from Mr. Tezak invoking his right to an administrative appeals hearing with the Susanville Planning Commission. The written request was received within the appropriate appeals window. A written request for an advanced hardship waiver was also received. The approval of a hardship waiver allows a hearing to take place without a deposit. The Susanville Planning Commission is tasked with deciding whether a violation of the Susanville Municipal Code existed and warranted the issuance of an administrative citation and that the Tezak Family Trust is responsible for the violation. The Susanville Planning Commission will make a recommendation to the Susanville City Council. The Susanville City Council will hear the recommendation of the Susanville Planning Commission on Wednesday May 4, 2022 to make a final decision on this matter.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to Approve **Resolution 22-1097** recommending to the City Council to uphold each administrative citation.

ATTACHMENTS:
[Staff Report Administrative Appeals Hearing Tezak.pdf](#)

Administrative Citations Tezak.pdf
Resolution 22-1097.pdf

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
April 26, 2022

FILE NUMBER	CE#2021-035		
PROPERTY OWNER	Tezak Family Trust; William Tezak		
REQUEST	Administrative Appeals Hearing		
ASSESSOR'S PARCEL NO.	103-321-020-000 103-321-017-000 103-321-009-000 103-314-010-000 103-323-015-000		
LOCATION	713 Cottage Street 50 South Gay Street 732 Main Street 801 Main Street 811 Cottage Street		
EXISTING ZONING	UBD (Uptown Business District)		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	UBD	Commercial
	South	UBD	Commercial
	East	UBD	Commercial
	West	UBD	Commercial
GENERAL DESIGNATION	PLAN	Mixed Use	

SUMMARY:

On Thursday, February 24, 2022, I, Cody Loflin, Code Enforcement Officer for the City of Susanville issued Administrative Citations, COS2022-0003, COS2022-0004, COS2022-0005, COS2022-0006, COS2022-0007, COS2022-0008, COS2022-0009, COS2022-0010, COS2022-0011, COS2022-0012, for violations of the Susanville Municipal Code.

On Wednesday, March 16, 2022, a request for an Administrative Appeals Hearing and Request for Hardship Waiver were received by the appellant. The Hardship Waiver was granted which required no advanced deposit of the total fine amount of \$1,000 prior

to this administrative appeal hearing.

On Wednesday, April 6, 2022, a Notice of Administrative Appeals Hearing was served upon the appellant, via certified mail, which set this matter for an administrative appeal hearing with the Susanville Planning Commission on Tuesday April 26, 2022.

INVESTIGATION:

On Wednesday, May 26, 2021, I received a complaint from **Complainant-1** regarding the area of Pancera Plaza. **Complainant-1** reported loose trash throughout the Pancera Plaza [South Gay Street] area and within the South Alley. **Complainant-1** stated the source of the trash was caused by several parties in the area, that being the weekly Farmers Market sponsored by the Local Area Revitalization Project Co-Op and Lassen Land and Trails Trust, the NU 2 U Thrift Store, the occupants of the property owned by the Tezak Family Trust and the Pioneer Saloon Apartments. **Complainant-1** stated that much of the trash within the plaza and alleyway were due to the people associated with the Tezak Family Trust properties as Bill Tezak does not provide trash service for his properties.

On Thursday, June 10, 2021, Kelly Mumper, City Planner, conducted a site visit of the properties owned by the Tezak Family Trust relating to a complaint he received regarding people living out of trailers on the property. Kelly reported back that the properties of the Tezak Family Trust were possibly in violation of the Property Maintenance Ordinance and that there were two trailers that showed evidence of being used for occupancy. Kelly drafted a notice regarding the use of the trailers.

On Monday, August 2, 2021, I received a call from **Complainant-1** regarding this matter. **Complainant-1** stated the area was deteriorating due to the conditions of the properties owned by the Tezak Family Trust. The trash issues had not improved and were worsening.

On Monday, August 23, 2021, I spoke with **Complainant-2** regarding an unrelated matter. While speaking with **Complainant-2**, she advised of an issue she was having with Bill Tezak and his tenants of his properties. **Complainant-2** stated that Mr. Tezak's tenants had been using her trash receptacle since he does not provide trash services for his tenants. **Complainant-2** stated she had asked Mr. Tezak to not use her receptacle to which all requests had been ignored. **Complainant-2** reported that Mr. Tezak's tenants were impacting the weekly farmer's market as the accumulation of trash on the property had caused vendors to not want to participate and some vendors were harassed by the tenants. **Complainant-2** further reported that Mr. Tezak had people residing in several commercial office spaces in the building that houses the NU 2 U Thrift Store. **Complainant-2** did not feel this was legal and felt these rooms were a safety hazard and were not up to current state standards.

On Tuesday, August 24, 2021, **Complainant-3**, reported to the Building Department that the natural gas meter had been tampered with at the property of 713 Cottage Street, and the building was receiving natural gas without authorization. Later this same day, I received a complaint from Public Works which verified the complaint that the meter had been bypassed without authorization from the city and that natural gas had been stolen.

Additionally, on Tuesday, August 24, 2021, I conducted a site visit. The site visit consisted of the properties at 713 Cottage Street, 50 South Gay Street, and 732 Main Street. I notated the following violations:

- 8.52.030 (A)(1) SMC: 713 Cottage Street, A broken window on the east side

- of building.
- 8.52.030 (A)(3) SMC: The chain link fence that surrounds the red metal shop building of 50 South Gay Street is in a state of disrepair.
- 8.52.030 (C) SMC: There are multiple vehicles that are being stored upon the premises that are in an inoperable state. These vehicles are in the view of the public and are located on the property of 713 Cottage Street.
- 8.52.030 (E) SMC: Trash/Rubbish/Debris. There are various piles of debris on both the paved parking lot of 713 Cottage Street and the setback area in between the red metal shop building and the fence line of 50 South Gay Street.
- 15.16.020 SMC: A travel trailer appears to have access to water and electricity which would support earlier claims of someone residing within the trailer.

On Wednesday, August 25, 2021, I met with Rueben Downing, Natural Gas Supervisor, who explained that the natural gas services had been disconnected prior to the Tezak Family Trust taking over the property. The natural gas service was disconnected on December 18, 2019, with the meter being “locked & blind.” Rueben could not provide an estimate to how much natural gas was missing from the system.

On Friday, August 27, 2021, I received a call from **Complainant-4**. **Complainant-4** stated that Mr. Tezak’s property was a nuisance. The property was filling with trash and broken-down cars and wanted the city to do something about the mess. **Complainant-4** also advised that Mr. Tezak’s tenants were overfilling the dumpsters in the alleyway and the city provided trash cans in the plaza.

On Saturday, September 4, 2021, I received an email from Dan Newton, City Administrator regarding a complaint from **Complainant-5**. The complaint from **Complainant-5** was specific to the weeds growing along the buildings owned by the Tezak Family Trust (50 South Gay Street) and the trash that was accumulating and blowing out into the alley from the space between the red metal shop and fence.

On Wednesday, September 8, 2021, I received a follow-up complaint from **Complainant-4**. **Complainant-4** mentioned the area of Pancera Plaza was unsightly due to the trash in the area and complained that the tenants that occupied 713 Cottage Street continued to be nuisances. I had **Complainant-4** further elaborate on the nuisance claim. She stated that they use the city owned trash cans in the plaza for their personal use and their garbage contributes to the garbage seen in the alley and in the plaza. These individuals also harass passerby’s during community events. The area was described as a “nightmare.”

Additionally, on Wednesday, September 8, 2021, a site visit was conducted. I noted the same violations as previously noted from the site inspection of August 24, 2021. There was an additional violation of 8.52.030(D) SMC in which an attractive nuisance was visible in that of an unsecured refrigerator with intact doors being stored on the premises accessible to the public.

On Friday, September 10, 2021, I received a call from **Complainant-6**. **Complainant-6** was complaining specifically about the property owned by the Tezak Family Trust. Over the past year the property has deteriorated and has affected the other business owners in the area. The trash that is produced from the location has affected the businesses in the area and the charm of the plaza. Furthermore, the threat to public safety is a concern as there have been people under the influence of illegal substance loitering in the area and there has been a rise in crime in the area. These

people are associated with the properties owned by the Tezak Family Trust.

On Saturday, September 11, 2021, I received a complaint form from **Complainant-7**. **Complainant-7** wrote the following complaint, "As a local resident of S. Gay St. I am devastated over the appearance and upkeep of the "business" on and around the plaza. The trash, broken down cars and overall appearance is disgusting and hazardous for our community. Our community has worked so hard to create a wonderful environment at the plaza and now it's ruined." I followed-up with **Complainant-7** to verify the properties she was referring to. **Complainant-7** confirmed she was referring to the former location of Pregill Insurance (713 Cottage Street), the red shop and the NU 2 U location. These premises are owned by the Tezak Family Trust.

On Monday, September 13, 2021, a site visit was completed which noted the same violations and no new violations.

On Tuesday, September 14, 2021, members of the Public Works Department cleaned the area of Pancera Plaza and the South Alley. Four hours of staff time and \$7.65 in dump fees were charged to the city to clean this area.

On Monday, September 20, 2021, a site visit was conducted which noted no additional violations and confirmed the existence of the previously noted violations.

On Wednesday, September 22, 2021, I received a report from **Complainant-6** regarding a vehicle accident and the abandonment of a vehicle. I notified the Susanville Police Department regarding the vehicle accident. The vehicle accident was the result of one vehicle towing another vehicle in which the towed vehicle struck a utility pole in the South Alley. The towed vehicle was then abandoned in a vacant lot on the 700 Block of Main Street.

On Thursday, September 23, 2021, **Complainant-6** provided me details of a second vehicle abandoned in the dirt lot in the vicinity of his business. The vehicle was towed by the same vehicle which was involved in the incident from the previous day. Later, I was informed by the Susanville Police Department that the driver of the vehicle had reported that they were under the direction of Bill Tezak to remove the vehicles off of the property and to dispose of them. They chose to dispose of the vehicles in this vacant lot.

On Friday, October 1, 2021, I followed up on this matter. I noted four vehicles that had previously been seen on the premises of 713 Cottage Street had been abandoned in a dirt lot on the 700 Block of Main Street.

On Tuesday October 26, 2021, I received authorization to serve notice upon the Tezak Family Trust regarding the violations that had been noted on the premises. In addition to the previous noted violations, the property at 801 Main Street which is also owned by the Trust received notification of a violation due to a broken window on the north side of the building. I prepared several letters and served the Tezak Family Trust, via certified mail, on Tuesday October 26, 2021.

On Thursday, December 1, 2021, it was noted that Mr. Tezak had not complied with the notices that was served upon the Tezak Family Trust.

On Thursday, January 13, 2022, a meeting with Bill Tezak was held inside the City Council Chambers at City Hall. Present in the meeting were Dan Newton, City Administrator, Kelly Mumper, City Planner (present via Zoom), Dow Davis, Building Official, Bill Tezak and Becky Williams. The purpose of this meeting was to inform Mr. Tezak of the ongoing violations and nuisances created from his properties and to see how we could come to a solution to address these issues. The meeting was predicated to a previous conversation Mr. Tezak had with Mr. Newton while in the Permit Center

lobby of City Hall. It should be noted at this meeting Mr. Tezak was made aware of violations that were affecting the property of 811 Cottage Street which is owned by Caribbean Investments in which Mr. Tezak is an agent of. The violations affecting 811 Cottage Street were the storage of inoperable vehicles upon the grounds. Additionally, Mr. Tezak was advised that we were aware that there was a suspected automotive dismantling operation being operated on the properties. This land use is a violation of the zoning ordinance of the city and these operations would require a business license and occupational license through DMV.

On Tuesday, February 22, 2022, I received direction to issue an administrative citation for violations on the premises of the Tezak Family Trust. I conducted a site visit which noted the following violations.

- 8.52.030(A)(1)(b) SMC: Broken Window at 713 Cottage Street
- 8.52.030 (C) SMC: Vehicle violation at 713 Cottage Street
- 8.52.030 (E)(6) SMC: Vehicle parts upon premises at 713 Cottage Street
- 8.52.030 (E)(1) SMC: Trash and rubbish upon the premises at 811 Cottage
- 8.52.030 (E)(6) SMC: Vehicle parts upon premises at 811 Cottage
- 8.52.030 (C) SMC: Vehicle violation at 811 Cottage
- 17.40.030 SMC: Zoning violation at 811 Cottage Street
- 17.40.030 SMC: Zoning violation at 50 South Gay Street
- 8.52.030 (A)(3) SMC: Dilapidated fence at 50 South Gay Street
- 8.52.030 (E)(2) SMC: Junk on grounds at 50 South Gay Street
- 8.52.030 (A)(1)(b) SMC: Broken window at 801 Main Street

RECOMMENDATION:

Staff is recommending to the Planning Commission that Bill Tezak, aka William Tezak, is an agent of the Tezak Family Trust. Violations of the Susanville Municipal Code were present upon the premises of the Tezak Family Trust and other properties in control of the Tezak Family Trust, and that the Tezak Family Trust is responsible for the violations.

Recommend to the City Council to uphold City of Susanville Administrative Citations COS2022-0003, COS2022-0004, COS2022-0005, COS2022-0006, COS2022-0007, COS2022-0008, COS2022-0009, COS2022-0010, COS2022-0011, COS2022-0012.

ATTACHMENT:

Attachments are listed as Exhibits and are located at the end of this staff report.



City of Susanville

(530) 257-1000 • 66 North Lassen Street • Susanville, CA 96130-3904

ADMINISTRATIVE CITATION

#COS2022-0003

Date: February 24, 2022 | Time: 3:00 pm
Case: CE#2021-018 | Commercial Property
Name: Tezak Family Trust
Residence or Mailing Address: 971 Leah Circle
City: Reno | State: NV | Zip Code: 89511
Location of Violation: 713 Cottage Street, Susanville, CA 96130

Municipal Code Violation:

1. 8.52.030 (A)(1)(b) SMC: Property Maintenance: Windows

Times Cited: (1) | Total Fine: \$100.00

Comments: This property is also known by APN 103-321-020-000, and is also associated with the assigned address of 711 Cottage Street.

Compliance Order

The broken window/missing glass on the east side of the building enumerated 711/713 Cottage Street shall be repaired or completely boarded (interior and exterior of building).

Pursuant to Section 1.12.010 of the Susanville Municipal Code, every day a violation of the Susanville Municipal Code or any other ordinance of the City of Susanville shall constitute a separate offense. The 1st violation will be assessed a fine in the amount of \$100. The 2nd violation will be assessed a fine in the amount of \$200. The 3rd violation and subsequent violations will be assessed a fine in the amount of \$500 for every day a violation has not been corrected.

Issuing Enforcement Officer: Cody Loflin Date: February 24, 2022

2-24-22

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

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IMPORTANT – READ CAREFULLY

Payment of Fine 8.40.090: The fine shall be paid to the city within twenty-one (21) days from the date of the administrative citation. Any administrative citation fine paid pursuant to subsection shall be refunded in accordance with Section 8.40.100 if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation. (Ord. 17-1011 § 4, 2017)

Right of Appeal / Hearing Request 8.40.100: Any recipient of an administrative citation may contest that there was a violation of the code or that he or she is the responsible party by completing a request for hearing form and returning it to the city within twenty-one (21) days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 8.40.110. A request for hearing form may be obtained from the city finance division. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing. If the enforcement official submits an additional written report concerning the administrative citation to the hearing official for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing. (Ord. 17-1011 § 4, 2017)

Hardship Waiver 8.40.110: Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required in Section 8.40.060(A) may file a request for an advance deposit hardship waiver. The request shall be filed on an advance deposit hardship waiver application form, available from the department of finance within fifteen (15) days of the date of the administrative citation. The requirement of depositing the full amount of the fine as described in Section 8.40.060(A) shall be stayed unless or until the director of finance makes a determination not to issue the advance deposit hardship waiver. If the director of finance determines not to issue an advance deposit hardship waiver, the person shall remit to the deposit to the City within ten (10) days of the date that decision or thirty (30) days from the date of the administrative citation, whichever comes later. The director of finance shall issue a written determination listing the reasons for his or her determination which shall be final.

Consequences of Failure to Pay: Any person who fails to pay any fine imposed pursuant to the provision of this chapter on or before the date the fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule or fines.

If you need further clarification and/or about payment or appeal of this citation, please call (530) 252-5100.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

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City of Susanville

(530) 257-1000 • 66 North Lassen Street • Susanville, CA 96130-3904

ADMINISTRATIVE CITATION

#COS2022-0004

Date: February 24, 2022 | Time: 3:00 pm
Case: CE#2021-035 | Commercial Property
Name: Tezak Family Trust
Residence or Mailing Address: 971 Leah Circle
City: Reno | State: NV | Zip Code: 89511
Location of Violation: 713 Cottage Street, Susanville, CA 96130

Municipal Code Violation:

1. 8.52.030 (C) SMC: Property Maintenance - Vehicles on Property

Times Cited: (1) | Total Fine: \$100.00

Comments: This property is also known by APN 103-321-020-000, and is also associated with the assigned address of 711 Cottage Street.

Compliance Order

Vehicles may be parked in the parking lot in accordance with the Susanville Municipal Code and California state law. Vehicles shall be current on their registration status and shall not be in an abandoned, dismantled, inoperative, unregistered, or wrecked condition.

Pursuant to Section 1.12.010 of the Susanville Municipal Code, every day a violation of the Susanville Municipal Code or any other ordinance of the City of Susanville shall constitute a separate offense. The 1st violation will be assessed a fine in the amount of \$100. The 2nd violation will be assessed a fine in the amount of \$200. The 3rd violation and subsequent violations will be assessed a fine in the amount of \$500 for every day a violation has not been corrected.

Issuing Enforcement Officer: Cody Loflin Date: February 24, 2022

Cody Loflin 2-24-22

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

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IMPORTANT – READ CAREFULLY

Payment of Fine 8.40.090: The fine shall be paid to the city within twenty-one (21) days from the date of the administrative citation. Any administrative citation fine paid pursuant to subsection shall be refunded in accordance with Section 8.40.100 if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation. (Ord. 17-1011 § 4, 2017)

Right of Appeal / Hearing Request 8.40.100: Any recipient of an administrative citation may contest that there was a violation of the code or that he or she is the responsible party by completing a request for hearing form and returning it to the city within twenty-one (21) days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 8.40.110. A request for hearing form may be obtained from the city finance division. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing. If the enforcement official submits an additional written report concerning the administrative citation to the hearing official for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing. (Ord. 17-1011 § 4, 2017)

Hardship Waiver 8.40.110: Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required in Section 8.40.060(A) may file a request for an advance deposit hardship waiver. The request shall be filed on an advance deposit hardship waiver application form, available from the department of finance within fifteen (15) days of the date of the administrative citation. The requirement of depositing the full amount of the fine as described in Section 8.40.060(A) shall be stayed unless or until the director of finance makes a determination not to issue the advance deposit hardship waiver. If the director of finance determines not to issue an advance deposit hardship waiver, the person shall remit to the deposit to the City within ten (10) days of the date that decision or thirty (30) days from the date of the administrative citation, whichever comes later. The director of finance shall issue a written determination listing the reasons for his or her determination which shall be final.

Consequences of Failure to Pay: Any person who fails to pay any fine imposed pursuant to the provision of this chapter on or before the date the fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule or fines.

If you need further clarification and/or about payment or appeal of this citation, please call (530) 252-5100.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

www.cityofsusanville.org



City of Susanville

(530) 257-1000 • 66 North Lassen Street • Susanville, CA 96130-3904

ADMINISTRATIVE CITATION

#COS2022-0005

Date: February 24, 2022 | Time: 3:00 pm
Case: CE#2021-035 | Commercial Property
Name: Tezak Family Trust
Residence or Mailing Address: 971 Leah Circle
City: Reno | State: NV | Zip Code: 89511
Location of Violation: 713 Cottage Street, Susanville, CA 96130

Municipal Code Violation:

1. 8.52.030 (E)(6) SMC: Property Maintenance - Vehicles Parts/etc.

Times Cited: (1) | Total Fine: \$100.00

Comments: This property is also known by APN 103-321-020-000, and is also associated with the assigned address of 711 Cottage Street.

Compliance Order

Any vehicle parts stored upon the premises, in view of the public, shall be abated in accordance with state law. The storage of vehicle parts is not permitted within the Uptown Business District and is a violation of the Property Maintenance Ordinance.

- Pursuant to Section 1.12.010 of the Susanville Municipal Code, every day a violation of the Susanville Municipal Code or any other ordinance of the City of Susanville shall constitute a separate offense. The 1st violation will be assessed a fine in the amount of \$100. The 2nd violation will be assessed a fine in the amount of \$200. The 3rd violation and subsequent violations will be assessed a fine in the amount of \$500 for every day a violation has not been corrected.

Issuing Enforcement Officer: Cody Loflin

Date: February 24, 2022

Cody Loflin

2-24-22

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

www.cityofsusanville.org



City of Susanville

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IMPORTANT – READ CAREFULLY

Payment of Fine 8.40.090: The fine shall be paid to the city within twenty-one (21) days from the date of the administrative citation. Any administrative citation fine paid pursuant to subsection shall be refunded in accordance with Section 8.40.100 if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation. (Ord. 17-1011 § 4, 2017)

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Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
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City of Susanville

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ADMINISTRATIVE CITATION

#COS2022-0006

Date: February 24, 2022 | Time: 3:00 pm
Case: CE#2021-035 | Commercial Property
Name: Caribbean Investments, INC.
Residence or Mailing Address: 971 Leah Circle
City: Reno | State: NV | Zip Code: 89511
Location of Violation: 811 Cottage Street, Susanville, CA 96130

Municipal Code Violation:

- | | | |
|--------------------|------|--|
| 1. 8.52.030 (E)(1) | SMC: | Property Maintenance – Improper Storage |
| 2. 8.52.030 (E)(6) | SMC: | Property Maintenance - Vehicles Parts/etc. |

Times Cited: (1) each | Total Fine: \$200.00

Comments: This property is also known by APN 103-323-015-000.

Compliance Order

Any trash being stored in any vehicle or loose upon the land shall be abated and disposed of in accordance with the municipal code and state law.

Any vehicle parts stored upon the premises, in view of the public, shall be abated in accordance with state law. The storage of vehicle parts is not permitted within the Uptown Business District and is a violation of the Property Maintenance Ordinance.

Pursuant to Section 1.12.010 of the Susanville Municipal Code, every day a violation of the Susanville Municipal Code or any other ordinance of the City of Susanville shall constitute a separate offense. The 1st violation will be assessed a fine in the amount of \$100. The 2nd violation will be assessed a fine in the amount of \$200. The 3rd violation and subsequent violations will be assessed a fine in the amount of \$500 for every day a violation has not been corrected.

Issuing Enforcement Officer: Cody Loflin | Date: February 24, 2022

Cody Loflin 2-24-22

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

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City of Susanville

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Councilmembers:
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ADMINISTRATIVE CITATION

#COS2022-0007

Date: February 24, 2022 | Time: 3:00 pm
Case: CE#2021-035 | Commercial Property
Name: Caribbean Investments, INC.
Residence or Mailing Address: 971 Leah Circle
City: Reno | State: NV | Zip Code: 89511
Location of Violation: 811 Cottage Street, Susanville, CA 96130

Municipal Code Violation:

1. 8.52.030 (C) SMC: Property Maintenance - Vehicles on Property

Times Cited: (1) | Total Fine: \$100.00

Comments: This property is also known by APN 103-323-015-000.

Compliance Order

Any vehicle stored upon the property shall be current in the vehicle's registration status. Vehicles shall not be stored upon the premises in an abandoned, dismantled, inoperative, unregistered, or wrecked condition. Any such vehicle in violation of this code shall be removed from public view and disposed of in accordance with state law or may be stored in an enclosed garage.

Pursuant to Section 1.12.010 of the Susanville Municipal Code, every day a violation of the Susanville Municipal Code or any other ordinance of the City of Susanville shall constitute a separate offense. The 1st violation will be assessed a fine in the amount of \$100. The 2nd violation will be assessed a fine in the amount of \$200. The 3rd violation and subsequent violations will be assessed a fine in the amount of \$500 for every day a violation has not been corrected.

Issuing Enforcement Officer: Cody Loflin

Date: February 24, 2022

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

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City of Susanville

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ADMINISTRATIVE CITATION

#COS2022-0008

Date: February 24, 2022 | Time: 3:00 pm
Case: CE#2021-035 | Commercial Property
Name: Caribbean Investments, INC.
Residence or Mailing Address: 971 Leah Circle
City: Reno | State: NV | Zip Code: 89511
Location of Violation: 811 Cottage Street, Susanville, CA 96130

Municipal Code Violation:

1. 17.40.030 SMC: Zoning – UBD / Unpermitted Use

Times Cited: (1) | Total Fine: \$100.00

Comments: This property is also known by APN 103-323-015-000.

Compliance Order

An automotive dismantling operation or the use of the land as a storage yard is not a permitted use by right for the zoned lands within the Uptown Business District. Please comply with the Chapter 17.40 of the Susanville Municipal Code for lands zoned UBD Uptown Business District.

Pursuant to Section 1.12.010 of the Susanville Municipal Code, every day a violation of the Susanville Municipal Code or any other ordinance of the City of Susanville shall constitute a separate offense. The 1st violation will be assessed a fine in the amount of \$100. The 2nd violation will be assessed a fine in the amount of \$200. The 3rd violation and subsequent violations will be assessed a fine in the amount of \$500 for every day a violation has not been corrected.

Issuing Enforcement Officer: Cody Loflin Date: February 24, 2022

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

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City of Susanville

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IMPORTANT – READ CAREFULLY

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Councilmembers:
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City of Susanville

(530) 257-1000 • 66 North Lassen Street • Susanville, CA 96130-3904

ADMINISTRATIVE CITATION

#COS2022-0009

Date: February 24, 2022 | Time: 3:00 pm
Case: CE#2021-035 | Commercial Property
Name: Tezak Family Trust
Residence or Mailing Address: 971 Leah Circle
City: Reno | State: NV | Zip Code: 89511
Location of Violation: 50 South Gay Street, Susanville, CA 96130

Municipal Code Violation:

1. 17.40.030 SMC: Zoning – UBD / Unpermitted Use

Times Cited: (1) | Total Fine: \$100.00

Comments: This property is also known by APN 103-321-017-000.
This property is also known and physically enumerated as 44 South Gay Street.

Compliance Order

An automotive dismantling operation or the use of the land as a storage yard is not a permitted use by right for the zoned lands within the Uptown Business District. Please comply with the Chapter 17.40 of the Susanville Municipal Code for lands zoned UBD Uptown Business District.

Pursuant to Section 1.12.010 of the Susanville Municipal Code, every day a violation of the Susanville Municipal Code or any other ordinance of the City of Susanville shall constitute a separate offense. The 1st violation will be assessed a fine in the amount of \$100. The 2nd violation will be assessed a fine in the amount of \$200. The 3rd violation and subsequent violations will be assessed a fine in the amount of \$500 for every day a violation has not been corrected.

Issuing Enforcement Officer: Cody Loflin Date: February 24, 2022

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

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City of Susanville

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IMPORTANT – READ CAREFULLY

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Mendy Schuster
Mayor
Brian Moore
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Councilmembers:
Quincy McCourt
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Thomas Hererra

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City of Susanville

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ADMINISTRATIVE CITATION

#COS2022-0010

Date: February 24, 2022 | Time: 3:00 pm
Case: CE#2021-035 | Commercial Property
Name: Tezak Family Trust
Residence or Mailing Address: 971 Leah Circle
City: Reno | State: NV | Zip Code: 89511
Location of Violation: 50 South Gay Street, Susanville, CA 96130

Municipal Code Violation:

1. 8.52.030(A)(3) SMC: Property Maintenance / Fence

Times Cited: (1) | Total Fine: \$100.00

Comments: This property is also known by APN 103-321-017-000.
This property is also known and physically enumerated as 44 South Gay Street.

Compliance Order

The chain-link fence behind the red shop building needs to be repaired. The current condition is a potential hazard and could be hazardous to the public safety and welfare.

Pursuant to Section 1.12.010 of the Susanville Municipal Code, every day a violation of the Susanville Municipal Code or any other ordinance of the City of Susanville shall constitute a separate offense. The 1st violation will be assessed a fine in the amount of \$100. The 2nd violation will be assessed a fine in the amount of \$200. The 3rd violation and subsequent violations will be assessed a fine in the amount of \$500 for every day a violation has not been corrected.

Issuing Enforcement Officer: Cody Loflin Date: February 24, 2022

Mendy Schuster
Mayor
Brian Moore
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Councilmembers:
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City of Susanville

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IMPORTANT – READ CAREFULLY

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City of Susanville

(530) 257-1000 • 66 North Lassen Street • Susanville, CA 96130-3904

ADMINISTRATIVE CITATION

#COS2022-0011

Date: February 24, 2022 | Time: 3:00 pm
Case: CE#2021-035 | Commercial Property
Name: Tezak Family Trust
Residence or Mailing Address: 971 Leah Circle
City: Reno | State: NV | Zip Code: 89511
Location of Violation: 50 South Gay Street, Susanville, CA 96130

Municipal Code Violation:

1. 8.52.030(E)(2) SMC: Property Maintenance / junk

Times Cited: (1) | Total Fine: \$100.00

Comments: This property is also known by APN 103-321-017-000.
This property is also known and physically enumerated as 44 South Gay Street.

Compliance Order

All items between the chain-link fence and the red shop building will need to be removed from this space and from the public-view. Due to non-conforming set backs there is no permittable storage as it is a potential hazard to public health, safety and welfare.

Pursuant to Section 1.12.010 of the Susanville Municipal Code, every day a violation of the Susanville Municipal Code or any other ordinance of the City of Susanville shall constitute a separate offense. The 1st violation will be assessed a fine in the amount of \$100. The 2nd violation will be assessed a fine in the amount of \$200. The 3rd violation and subsequent violations will be assessed a fine in the amount of \$500 for every day a violation has not been corrected.

Issuing Enforcement Officer: Cody Loflin

Date: February 24, 2022

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

www.cityofsusanville.org



City of Susanville

(530) 257-1000 • 66 North Lassen Street • Susanville, CA 96130-3904

IMPORTANT – READ CAREFULLY

Payment of Fine 8.40.090: The fine shall be paid to the city within twenty-one (21) days from the date of the administrative citation. Any administrative citation fine paid pursuant to subsection shall be refunded in accordance with Section 8.40.100 if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation. (Ord. 17-1011 § 4, 2017)

Right of Appeal / Hearing Request 8.40.100: Any recipient of an administrative citation may contest that there was a violation of the code or that he or she is the responsible party by completing a request for hearing form and returning it to the city within twenty-one (21) days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 8.40.110. A request for hearing form may be obtained from the city finance division. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing. If the enforcement official submits an additional written report concerning the administrative citation to the hearing official for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing. (Ord. 17-1011 § 4, 2017)

Hardship Waiver 8.40.110: Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required in Section 8.40.060(A) may file a request for an advance deposit hardship waiver. The request shall be filed on an advance deposit hardship waiver application form, available from the department of finance within fifteen (15) days of the date of the administrative citation. The requirement of depositing the full amount of the fine as described in Section 8.40.060(A) shall be stayed unless or until the director of finance makes a determination not to issue the advance deposit hardship waiver. If the director of finance determines not to issue an advance deposit hardship waiver, the person shall remit to the deposit to the City within ten (10) days of the date that decision or thirty (30) days from the date of the administrative citation, whichever comes later. The director of finance shall issue a written determination listing the reasons for his or her determination which shall be final.

Consequences of Failure to Pay: Any person who fails to pay any fine imposed pursuant to the provision of this chapter on or before the date the fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule or fines.

If you need further clarification and/or about payment or appeal of this citation, please call (530) 252-5100.

Mendy Schuster
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ADMINISTRATIVE CITATION

#COS2022-0012

Date: February 24, 2022 | Time: 3:00 pm
Case: CE#2021-035 | Commercial Property
Name: Wayne & Helen Tezak Joint-Trust
Residence or Mailing Address: 971 Leah Circle
City: Reno | State: NV | Zip Code: 89511
Location of Violation: 801 Main Street, Susanville, CA 96130

Municipal Code Violation:

1. 8.52.030(A)(1)(b) SMC: Property Maintenance / Window

Times Cited: (1) | Total Fine: \$100.00

Comments: This property is also known by APN 103-314-010-000.

Compliance Order

Repair or replace window: Window is on the upper floor and facing to the north. Please check with Building Department if any work would require a permit.

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RESOLUTION NO. 22-1097
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION FOR A
RECOMMENDATION TO THE CITY COUNCIL OF THE PLANNING COMMISSION
DECISION TO UPHOLD OR CANCEL ADMINISTRATIVE CITATIONS

WHEREAS, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance and providing for the collection of civil penalties; and

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 on June 7, 2017, that declares what constitutes a nuisance, and adopted Chapters 8.40 and 8.52 of the Susanville Municipal Code to outline property maintenance standards and the issuance of administrative citations; and

WHEREAS, several properties in control of the Tezak Family Trust have been noticed and provided ample time to voluntarily abate each nuisance but failed to voluntarily abate the declared nuisance; and

WHEREAS, pursuant to Chapter 8.40, Code Enforcement staff issued Administrative Citations, COS2022-0003, COS2022-0004, COS2022-0005, COS2022-0006, COS2022-0007, COS2022-0008, COS2022-0009, COS2022-0010, COS2022-0011, COS2022-0012, for violations of the Susanville Municipal Code.

WHEREAS, William Tezak, an agent of the Tezak Family Trust provided a written request to the City of Susanville for an Administrative Appeals Hearing to contest the validity of each Administrative Citation issued to the Tezak Family Trust.

WHEREAS, the Susanville Planning Commission, at a public meeting held during its regular meeting of April 26, 2022, considered the written and verbal comments presented concerning the issuance of an administrative citation.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville Planning Commission hereby approves a motion to recommend to the Susanville City Council to uphold Administrative Citations COS2022-0003, COS2022-0004, COS2022-0005, COS2022-0006, COS2022-0007, COS2022-0008, COS2022-0009, COS2022-0010, COS2022-0011, COS2022-0012.

- A. The condition of real property upon the lands owned by the Tezak Family Trust are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. William Tezak is an agent of the Tezak Family Trust
- C. The Tezak Family Trust are the owner of record for the properties located at 713 Cottage Street, 50 South Gay Street, 732 Main Street, 801 Main Street, and 811 Cottage Street.
- D. The City of Susanville find that a public nuisance exists upon the land and find the property owners to be responsible for the abatement of the public nuisance.

APPROVED: _____
Wayne Jambois, Chairperson
Planning Commission

ATTEST: _____
Heidi Whitlock, City Clerk
Secretary to the Planning Commission

The foregoing Resolution No. 22-1097 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 26th day of April 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission